SENATE—*Thursday, April 23, 1987*

(Legislative day of Tuesday, April 21, 1987)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN F. KERRY, a Senator from the State of Massachusetts.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Our Father which art in heaven, hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven.—Matthew 6: 9-10.

So You teach us to pray, Lord. May we embrace the wisdom of those petitions: the glory of Your name, the coming of Your kingdom, the doing of Your will. Your word declares that You "work in everything for good to those who love You who are called according to Your purpose." You know our hearts: our desires—our motives—our hopes and dreams—our weaknesses and frustrations. Your will for us, out of Your infinite unconditional love is "good and acceptable and perfect." Deliver us, Gracious God, from all that prevents us conforming to Your best for us individually, our families, and the Senate. Forgive our indifference, our intransigence—our unbelief and lead us in the way of truth and justice and righteousness, the way everlasting. To the glory of Your name, the coming of Your kingdom, and the doing of Your will on Earth as in heaven. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN F. KERRY, a Senator from the State of Massachusetts, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. KERRY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized.

KISSINGER—RIGHT AND WRONG ON ARMS CONTROL

Mr. PROXMIRE. Mr. President, there is probably no one who has more clearly earned the title of elder statesman and supreme foreign policy expert than Henry Kissinger. Like all people who have had extensive, foreign policy experience in positions of authority, Henry Kissinger has an established record to defend. He also has a partisan identification with previous Republican administrations. But in general his judgment as a supremely practical eminence has been richly vindicated.

So when Henry Kissinger speaks out on foreign policy, the rest of us should listen and carefully. In a recent letter to the Washington Post, Mr. Kissinger assessed the present status of arms control in the wake of the Iceland meeting between President Reagan and Secretary Gorbachev. Kissinger called the consequences of that meeting an arms control revolution. In the judgment of this Senator, Kissinger's conclusions about how arms control should proceed in the wake of Reykjavik are about 80 percent on target and about 20 percent seriously in error. They certainly advance an understanding of the practical possibilities for arms control in the next few years.

Kissinger suggests three components of what he sees as the Reykjavik revolution. Here they are: First, an agreement to reduce strategic forces by 50 percent coupled with a moratorium for 10 years on deployment of the strategic defense initiative—or SDI; second, an agreement to withdraw Soviet and United States missiles of ranges of 1,500 kilometers and above from Western Europe and European Russia; third, an American proposal to do away with all ballistic missiles over a 10-year period, countered by a Soviet proposal to do away with all strategic forces or all nuclear weapons.

Kissinger wisely in the judgment of this Senator, rejects each of these proposals as not only unrealistic, pie-in-the-sky impractical objectives. But he contends that in general they would have a seriously adverse effect on the national security of our country. Kissinger contends that the two heads of state are proceeding too quickly, reaching too far, proposing too much. He is right. What then does he propose in place of these spectacular arms control fireworks? He suggests that superpower arms control agreements should not be the product of what are primarily public relations meetings aimed at trying to convince the world that each side is the true friend of peace. Instead Kissinger calls for "a moratorium on public diplomacy." He wants both sides to quietly negotiate before they return to the numbers game. That means lowering objectives. And here is the Kissinger solution: First, an interim agreement. Second, a modest reduction of strategic forces. Third, a limitation on the number of warheads each missile can carry. Fourth, an extension of the time during which either side can abrogate the ABM Treaty from 6 months to 2 years. Fifth, intermediate range forces should be reduced by the same percentage as strategic forces, but not to zero. Sixth, immediate efforts should be undertaken to improve the conventional military balance, either by arms control or by a buildup.

I started this statement by contending that Mr. Kissinger was 80 percent right but about 20 percent wrong. Why? Where is he wrong? Here's where: He is wrong in his contention that 10 years in the laboratory would atrophy SDI. Even the strongest and most thoroughly informed proponents of SDI have made a record that shows that 10 more years in the laboratory would constitute a minimum for SDI before this country could wisely start deployment. Estimates before the Defense Appropriations Subcommittee indicate that 1997 is a target for SDI deployment that very likely cannot be met even if the project is fully funded which is highly unlikely. Second, Kissinger is wrong in expecting that either the United States or our European allies will devote the resources to a conventional weapon buildup that can match the Soviets in an arms race. Mr. Kissinger is even more mistaken if he believes that the Soviet Union does not know this. They do know it. Therefore the Soviets are most unlikely to agree to a negotiated conventional arms agreement that could shove the Warsaw Pact conventional forces down to the conventional arms level of the NATO alliance. So why not a big NATO conventional arms buildup? Answer. Any U.S. buildup is blocked by Gramm-Rudman or some still to come variation thereof. Any Western

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

European conventional arms buildup is even more firmly estopped by even tougher economic constraints and a West German democracy's memories of the World War II nightmare.

Does all this mean that the arms control outlook is hopeless? No, indeed. Mr. Kissinger is absolutely right that we should be moderate and patient in expecting arms control progress. We should recognize that the superpowers have made useful arms control progress since the dawn of the nuclear age. The Limited Test Ban Treaty, the Anti-Ballistic Missile Treaty, SALT II, the Nuclear Non-Proliferation Treaty all represent significant if slow progress in the past 25 years. We can and should build on that progress and on those treaties. We should in the future especially emphasize the importance of strengthening verification of compliance with our agreements with the Soviet Union. We should far more aggressively use such enforcement devices as the Standing Consultative Commission. There must be a steady, unremitting consultation between the office of the President of the United States and the Secretary General of the Communist Party of Russia to settle disputes over treaty compliance. The Reagan administration seems on the verge of abolishing what is left of the slow and limited but promising arms control progress of the past to make a great leap forward toward a never-never land of no nuclear weapons and love and harmony. Mr. Kissinger is right that this is a leap into unreality. He is right that we need modest arms control progress. This offers our best hope for peace.

Mr. President, I ask unanimous consent that the article to which I have referred from the November 18, 1986, Washington Post, entitled "The Reykjavik Revolution: Putting Deterrence in Question" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Nov. 18, 1986]

THE REYKJAVIK REVOLUTION: PUTTING DETERRENCE IN QUESTION

(By Henry Kissinger)

President Reagan has suggested that the sole remaining issue in arms control negotiations is when an agreement will be signed. This makes it imperative to face the fact that the melange of agreements, near-agreements and contradictory proposals that emerged at the Reykjavik presummit run the risk of undermining deterrence and the cohesion of the Western alliance.

There are three components to what can properly be called the Reykjavik revolution:

(a) An agreement to reduce strategic forces by 50 percent coupled with a moratorium for 10 years on deployment of the Strategic Defense Initiative. Though the Soviets have asked for more—to confine SDI to the laboratory for 10 years—I suspect that this issue will be compromised.

(b) An agreement to withdraw U.S. and Soviet missiles of ranges of 1,500 kilometers and above from Western Europe and European Russia.

(c) An American proposal to do away with all ballistic missiles over a 10-year period, countered by a Soviet proposal to do away with all strategic forces or, in its even more exalted form, with all nuclear weapons.

Grotesque as this may sound to the layman, a 50 percent cut of strategic forces would not ease the growing vulnerability of land-based missiles. It would increase the vulnerability of sea-based forces. And it would not diminish the Soviet capacity to exterminate American and allied civilian populations. The 6,000 warheads remaining after a 50 percent cut would be more than enough to maintain all existing threats.

Standing by itself, a 50 percent reduction could be counted as a modest symbolic success. It emphatically would not justify a prolonged moratorium on deploying SDI; I am convinced that such a delay would atrophy that program.

The key issue, however, is not the arcane disputes of military experts. It is that the Reykjavik edifice puts the entire postwar structure of deterrence into question, because it makes it even more doubtful that the United States would use nuclear weapons in defense of its allies. A 50 percent cut coupled with a moratorium on strategic defense would accentuate the tendency toward mass extermination inherent in current strategy. This would increase European fears that the United States would not respond to Soviet aggression against them with nuclear weapons from its own territory.

And the Reykjavik proposals would eliminate altogether the possibility of nuclear retaliation, either American or European, from European soil. They remove American medium-range missiles from Europe without diminishing significantly the capacity of the Soviet Union to attack Europe either with the hundreds of shorter-range missiles stationed in Eastern Europe or with intercontinental missiles based in the Soviet Union. And, according to the State Department, the proposals require the abandonment by France, Britain and China of their national missile forces.

It has been argued—and I agree—that changing technology requires a substantial buildup of conventional forces in any event. But wise statesmanship would take care not to leave a vacuum while the transition to a greater reliance on a conventional strategy is taking place—a process that cannot be completed in less than 15 years, assuming it takes place at all; defense budgets are under pressure in all democracies. It cannot be in the interest of the West simultaneously to weaken the credibility of the deterrent based in the United States and to eliminate all means of nuclear retaliation based in Europe while there is no nonnuclear force at hand or foreseeable to fill the gap.

No wonder that Soviet leader Mikhail S. Gorbachev and Foreign Minister Eduard Shevardnadze insist that any future negotiations proceed from the Reykjavik basis, which would force the West to deal with Soviet conventional superiority around its periphery only by threatening or using the very nuclear weapons it has stigmatized by its arms control policies. Such a state of affairs tempts Soviet adventurism.

German Chancellor Helmut Kohl, French President Francois Mitterrand and British Prime Minister Margaret Thatcher have gone further in expressing their disquiet than I would have thought possible in the light of the domestic pressures on them. Did the U.S. negotiators understand that they were maneuvering allies into a position where their need to hold on to nuclear missiles could be represented as an obstacle to agreement? Or that the U.S. position on nuclear weapons at Reykjavik was so close to that of the British Labor Party that it could deprive the Conservatives of a potential issue as the British elections approach? To be sure, the United States should not intervene in allied domestic politics. But neither should it weaken the Atlanticists in Europe in their often desperate struggle against a course perilously close to neutralism.

To some extent the European allies have invited this highhanded American behavior by their tendency to take a free ride on American efforts. But I cannot believe that the best way to bring about a reassessment of NATO strategy is through negotiations at the summit with the Soviet Union about which allies are neither notified nor consulted yet which go to the very heart of their own security system.

While strategy stagnates, political conflicts are neglected. The preoccupation in East-West diplomacy with arms control overwhelms political issues such as Afghanistan, the Middle East or Central America. Such political negotiations as take place turn into ritualistic repetitions of standard positions. There is a considerable risk that over the next decade some conflict or other will slide out of control in a strategic environment made increasingly intractable by arms control diplomacy.

The United States in fact is likely to wind up in the worst of all worlds. Domestically the reiteration of the Reykjavik formulas will strengthen those who seek to emasculate SDI in the mistaken belief that so doing would speed arms control. It will, unintentionally, to be sure, strengthen neutralists and unilateral disarmers around the world.

How did the United States get into this position? Perhaps the fundamental reason is the absence of a system for setting long-range goals. American negotiating positions generally reflect an uneasy compromise among idealists, skeptics and technicians. The internal struggle absorbs more energy and thought than the elaboration of national strategy.

In the Brezhnev era the United States and its allies were often rescued from incoherence by the inflexibility of an aged Soviet leadership and the wariness of Andrei Gromyko, who suspected a deep design behind every tenuous bureaucratic compromise. But Gorbachev, perhaps tutored by Anatoly Dobrynin, is more subtle. At Reykjavik the Soviets suddenly embraced American schemes, such as the proposal to eliminate all American and Soviet medium-range missiles from Europe, and thereby made U.S. internal contradictions startingly evident.

And the imminence of negotiations causes the American bureaucratic process to generate spontaneous inconsistencies. The new justification for SDI, first advanced publicly at Reykjavik, is a good example. What had previously been advocated as a program to protect the civilian population against missile attack emerged at Reykjavik as a hedge against Soviet cheating after all ballistic missiles are eliminated. But if the United States can do without strategic defense in the 10 years when, under the American scheme, ballistic missiles are retained, why is it necessary to acquire a missile defense after ballistic missiles are eliminated? At that point a defense against airplanes would make much more sense. In any event, Con-

gress is unlikely to spend billions for an anti-missile defense in a non-ballistic missile world.

The disputes within the bureaucracy mirror the disagreements of the body politic. For the moment the domestic stalemate has produced an eerie silence about Reykjavik. Conservatives are silent because, while uneasy about American proposals, they are reassured by the apparent diplomatic deadlock. Liberals are silent because, while uneasy about the deadlock, they do not want to be caught off guard by a sudden breakthrough. In this vacuum the bureaucracy pushes forward the only available program, which happens to be the unfortunate Reykjavik formula.

It will be painful to alter course, especially when a superficial success and accolades seem so near. But America's leaders must remember that their work will last longer in history than in headlines.

To devise more promising approaches the National Security machinery must be put in a position to raise its sights. It must stop acting primarily as the arbitrator between extreme positions developed for purposes of bureaucratic compromise. Moreover, the present negotiating method leaves too big a gap between the numbers crunchers at Geneva and the secretary of state or the president. Experience teaches that the Geneva forum tends to be submerged in detail and summits oscillate between atmospherics and imprecision. There can be no real progress by endlessly modifying numbers. It is necessary to begin with a vision of a more secure world and develop negotiating positions and strategies in relation to it.

The strangest aspect of the current situation is that by a rational analysis, and indeed by an analysis of their body language, both sides want an agreement. But they are so preoccupied with tactical maneuvering that they pass each other like ships in the night. The U.S. position drowns in technical complexity; the Soviets seem obsessed with their new-found skill at public relations. The most desirable moratorium would be on public diplomacy. Both sides should negotiate quietly about what they are trying to achieve before returning to the numbers game.

This will surely require a lowering of stated objectives. Perhaps the best solution is to aim for an interim agreement; a modest reduction of strategic forces, a limitation on warheads each missile can carry and an extension of the time period for abrogation of the Anti-Ballistic Missile treaty from six months to two years. Intermediate-range forces should be reduced by the same percentage as strategic forces but, in order to maintain the psychological link to Europe, not to zero. Immediate efforts must be undertaken to improve the conventional military balance in Europe, either by arms control measures or by a buildup. Indeed Reykjavik will prove a blessing if it shocks the alliance into overcoming the evasions of recent decades and developing a coherent military and arms control strategy.

The key role will be the president's. He has an important choice to make: he can try to abolish nuclear weapons at one fell swoop or he can be the president to inaugurate a new approach that will ultimately make the world a safer place. He is now leaning toward the first approach, which is impossible, is demoralizing to the allies and would relegate him to arbitrator of technical disputes.

The second course is still open to him. I continue to believe that the Soviets attach extraordinary importance to concluding an agreement with the most popular and most conservative president of his era. There is still time to interrupt the compulsive momentum, to reassess and to proceed to what can be a lasting service to the cause of peace.

Mr. PROXMIRE. Mr. President, I reserve the remainder of the time of the majority leader for his use later in the day.

I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

BICENTENNIAL MINUTE

APRIL 23, 1789: PROTOCOL FOR PRESENTING A BILL

Mr. DOLE. Mr. President, visitors in the galleries, and those watching congressional proceedings on television, often express curiosity over the formal behavior of the Senate and House clerks who formally present the bills and messages from the other Chamber. From time to time even some of the clerks who have performed this function have wondered why they were required to bow entering and leaving the Chamber. The fact is that the protocol for presenting a bill was set during the first Congress. One hundred and ninety-eight years ago today, on April 23, 1789, the Senate approved a committee report establishing the following procedures:

When a Senate bill was sent to the House of Representatives it would be carried by the Secretary of the Senate, who was instructed to "make one obeisance"—that is, to bow—to the chair when entering the House Chamber, bow again when delivering it at the front desk, and bow again when leaving the Chamber.

The Senate then provided that when the House sent bills to the Senate, they should be carried by two members of the House, who would similarly bow to the President of the Senate. Of course, the House would hear nothing of such inequality, and instead assigned the clerk of the House to carry messages to the Senate.

Today, bill clerks representing the Secretary of the Senate, and clerk of the House, perform this ritual in the manner prescribed by the first Congress. The only alteration has been to eliminate the middle bow, when the papers are presented at the front desk. Otherwise, the courtly manners of the 18th century still survive and flourish in the 20th century Senate.

SENATE SECURITY

A DISASTER WAITING TO HAPPEN

Mr. DOLE. Mr. President, we are still digging out and hearings are going on and we are still questioning about the security fiasco in Moscow. Senator ROTH and I introduced a tough counterespionage bill. Other Senators have their own ideas and, I expect, will have their own bills. Ultimately, I think the Senate will pass some new legislation this session.

But good security has to start at home. And we have a big job to do right here in the Senate. In fact, security on Capitol Hill can be summed up this way: It is a disaster, waiting to happen.

DOLE STUDY OF SECURITY IN SENATE

During the last Congress—as the questions of spies, "bugs" and leaks began to pop up—it was clear to me that we better take some time to be sure we were not part of the problem.

As majority leader, I asked the appropriate committees of the Senate—Rules, Governmental Affairs, Intelligence—to take a very, very careful look at our own security situation; to find out if we had any problems; and to make recommendations on what needed to be done.

The report that resulted from that initiative made pretty scary reading!

We found out that hundreds and hundreds of people are walking around Capitol Hill with security clearances and access to sensitive information. And no one—no single office, or official—has a record of who they are.

We found out that each Senate office has its own unique way of handling classified information. And all too often, that unique way was no set way at all. We uncovered many reports of classified documents lying out on desks; in the hands of uncleared people; stuck away in unlocked file cabinets.

We found out, at the bottom line, that no single individual in the Senate had comprehensive responsibility for security; In other words, no one was in charge.

The Senate's security system could not be called ineffective—because we did not have a security system. At least, not one that was comprehensive, coherent and up to the challenge of 20th century espionage technology.

99TH CONGRESS LAID THE GROUNDWORK

In the last months of the 99th Congress, and with the cooperation of the distinguished then minority leader, now majority leader, Senator BYRD, we made a good start at putting the Senate's house in order. In the offices under my control, we drastically reduced our holdings of classified material. I ordered some long-overdue technical studies, to find out what had to be done to keep us safe from electronic eavesdropping and "bugging;" and we got to work on the needed changes.

Most important, we sat down and laid out a plan to give the Senate the kind of security system—covering per-

sonnal, facilities, everything—that was sorely needed.

Now, quite frankly, the 100th Congress has not moved forward very far from where we were last year. And I have discussed this in a letter I sent to Senator BYRD, and our staffs have discussed it. We believe, in a bipartisan way, as we started last year, we can continue to make progress on this front.

I ask unanimous consent that my letter to the majority leader be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 13, 1987.

Hon. ROBERT C. BYRD,
Majority Leader, U.S. Senate, Washington, DC.

DEAR BOB: As you will recall, as Majority Leader in the 99th Congress, I asked three Senate committees—Rules, Governmental Affairs and Intelligence—to do a study of Senate procedures for handling classified information.

The study was an eye-opener. Its bottom line conclusion was that there was no comprehensive, effective security system in the Senate for the handling and storage of classified information; no good handle on which Senate staff had clearances and access to classified information; and no central authority in charge of the security of classified information in the Senate.

Jointly, we began the process of working out legislation to address the problem. Unfortunately, the 99th Congress ended before we were able to enact the needed legislation.

Recent events demonstrate again how important maintaining the security of classified information is to our country. For that reason, I propose that we undertake a new initiative, along the lines of last year's, to enact legislation putting into place a comprehensive, effective system for control of classified information in the Senate. I believe our staffs should aim to have legislation ready to introduce no later than April 24, the first full week after our return from recess.

I look forward to hearing from you, and working with you, on this nonpartisan matter at your earliest convenience.

Sincerely yours,

BOB DOLE,
U.S. Senate.

Mr. DOLE. Mr. President, I hope together we can put together legislation to set up a "Senate Office of Security"—the Senate equivalent of the kind of centralized authority the "Dole-Roth" bill calls for in the State Department.

And that office will be headed up by a strong, experienced security "pro"—with the powers and the political backing he needs from the Senate, to do the job that has to be done.

FUNCTIONS OF SENATE SECURITY OFFICE

The office will have three main functions: First, it will put the detailed, final touches on a security plan along the lines that we recommended last Congress. That plan will be mandatory on every Senate office, every Senate employee, every Senator.

Second, the office will be given the mandate, and the instruction, to inspect every Senate office very thoroughly; find out who is doing things right, and who is not. And every office will have to be certified, as having in place the kind of system for handling classified information that meets the security needs of 1987.

And, finally, that office will have the final say on who really needs access to classified information, and who does not. The requirement is that we have an authoritative, complete list of all cleared personnel; and can insure that only people whose names are on that list ever see any classified information in the Senate.

ONLY THE FIRST STEP

Now, again, passing this bill is not the whole answer. In my view, at least, other reforms are also necessary. For example, I believe we should consolidate the two congressional intelligence committees into a single, streamlined body.

But the real key is to recognize the problem and get to work. The Soviets are not resting on their laurels—even though, sadly, they've got plenty of laurels to rest on.

And they are not picky about their targets: They will go after the Senate, or the House, just as they go after the Embassy in Moscow; the consulate in Leningrad; and every other vulnerable American target, here in Washington, or anywhere else in the world.

The watchword is: Be alert. Or be sorry! I want to make sure the Senate is alert.

Mr. President, I think this is rather timely, because I note that there are hearings being held in the House and I am certain there will be hearings in the Senate. Members of the House and Senate will be calling witnesses from the State Department and other governmental agencies and there will be a lot of criticism, as there probably should be.

But I just hope in the process that we do not overlook the reality of the problems under the Capitol dome.

I reserve the balance of my time.

Mr. PROXMIRE. Mr. President, let me just say to my good friend, the minority leader, that he is 100 percent right. It is about time somebody spoke out on this. This has bothered this Senator for many, many years. I am delighted that we are taking some real steps to do something about it.

Mr. DOLE. I thank the Senator.

Mr. CRANSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mr. CRANSTON. Mr. President, I ask unanimous consent that I may proceed for 4 minutes.

Mr. PROXMIRE. Mr. President, if the Senator will yield for an observation, the majority leader asked me to be sure that we went directly on the bill after the leaders' time had expired. However, I am sure that he would, under these circumstances, agree that the Senator from California should be allowed to speak.

The ACTING PRESIDENT pro tempore. If there is no objection, the Senator from California is recognized.

Mr. CRANSTON. I appreciate this opportunity.

THE UNITED STATES-SOVIET NUCLEAR TALKS

Mr. CRANSTON. Mr. President, I want to register a dissent from some of the "yes, but" protestations that have been voiced in recent days in and out of Government over the prospect of a United States-Soviet agreement to eliminate, or at least drastically reduce, the number of medium- and shorter-range nuclear missiles.

No one can quarrel with sentiments expressed on both sides of the aisle that we should approach nuclear arms talks with the Soviets with "cautious optimism," that we not go "racing" into "cosmetically attractive" agreements that might in actuality prove detrimental to our national security or to the security of our allies.

No reasonable person advocates that we make rash decisions or take precipitous action on so important a matter.

Steps toward the mutual elimination of nuclear weapons—whatever their range and wherever their location—must be taken with due deliberation and with careful forethought.

If there is some fatal flaw in an agreement the Reagan administration concludes with the Soviet Union, then the Senate of course should reject it.

But it is unlikely that the Reagan administration, for all of its other weaknesses, will accept a fatally flawed treaty. I for one do not expect that to happen.

Therefore, subject to inspecting the fine print, I expect to support the treaty if one is submitted for Senate approval.

More than that, I expect to go all out in helping mobilize support for the treaty.

Frankly, I do not anticipate that the treaty will constitute a major arms control breakthrough that will drastically reduce the danger of nuclear war.

But it will be a beginning. And it appears clear that some small steps need to be taken before bigger steps can be tried.

The precedent of an arms reduction agreement with the Soviet Union that is mutually advantageous and fully verifiable, negotiated by a conservative Republican administration and consented to by a Democratic Senate, will enhance the prospects for future, more meaningful bipartisan moves

toward peace and away from the nuclear brink.

We must not permit a deadly cycle to develop where Republicans oppose democratic arms agreements and democrats oppose Republican agreements.

We also must halt the deadly cycle of the United States and the U.S.S.R. repeatedly flip-flopping positions. Examples:

At one time we offered a mutual halt to bomb testing; the Soviets rejected it. Now they propose it, and we reject it.

At one time the Soviets favored defensive missile systems; we did not. Now we do, they do not.

Recently we offered the zero-option; they opposed it. Now they offer it, and we are hesitant.

I say let us both agree on a small, good treaty now and go on from there.

Like a poker player, Gorbachev may be calling us to see if we are bluffing about wanting nuclear arms control. We should do the same to him.

If either of us is bluffing, it will soon become obvious. If, on the other hand, we both are sincere, the world at very long last may be on the way to a true peace rather than a temporary, tenuous cease fire.

Unless we end the nuclear arms race, a nuclear holocaust is bound to happen—bound to happen—sooner or later.

There is a limit to how far we and the Soviets can push our luck.

An international poker game appears to be going on, and I say it is time for a change: We need a nuclear new deal.

I yield the floor.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may speak for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. I rise to commend my good friend, the assistant majority leader, for the very excellent statement which he made. He is so right. We must not simply oppose a measure because it is a Republican measure, and I am sure the Republicans should not oppose it simply because it is a Democratic measure. We should find some way of being able to work together with the Soviet Union so we do not propose something, and they object to it, then they propose the same thing which we oppose and we object to. Obviously that is exactly what happened.

Nobody has spelled it out more clearly than my friend from California. I think it is a fine contribution. I hope we will learn a lesson from it.

Mr. CRANSTON. Mr. President, I thank my friend from Wisconsin very, very much.

Mr. BYRD addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed out of order for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEETING WITH FOREIGN MINISTER ABE

Mr. BYRD. Mr. President, yesterday I met with former Japanese Foreign Minister Shintaro Abe. He has come to Washington this week as Prime Minister Nakasone's special envoy in advance of the Prime Minister's visit here next week. We had what is known in diplomatic circles as a frank discussion. I told him that the time for promises is past and the time for actions has come.

Yesterday, I also joined Senators, DOLE, BENTSEN, and DANFORTH in sending a letter to Prime Minister Nakasone which was handed to Mr. Abe. That letter covers much of the same ground as my meeting with Mr. Abe.

Mr. Abe and I discussed several specific issues as well as the general relationship between our two countries. I emphasized that I respect Mr. Nakasone for the leadership and courage that he has shown and will need in the future. It will not be easy to transform the Japanese economy to become more open to imports. He responded that we needed to get our deficits down. I reminded him that the United States bears a heavy defense burden for other nations in the free world including his nation, and that if we spent only 1 percent of our gross national product on defense, as does Japan, we would have no deficit problem.

We also discussed the problems of Kansai Airport, supercomputers, fighter aircraft, and semiconductors. While I recognized that Mr. Abe might not be able to give complete substantive answers yesterday—and I did not expect him to—I expressed the hope that Japanese answers in the future would be more satisfactory than were those that were given yesterday.

On the issues of Kansai Airport and supercomputers, Mr. Abe suggested that there would be improvements in Japanese procedures for bidding but he gave no guarantees or improved results. And in the final analysis our judgment has to be based on how these promises translate into increased imports from the United States into Japan, and decreasing exports from Japan into the United States and other countries of the world. So his response was not even a commitment to procedural changes when it came to supplying electronic equipment for Kansai Airport, purchasing fighter aircraft and opening Japanese markets to semiconductors. I asked about access to the Japanese services trade market, which will grow substantially in the future and become increasingly important to the United States. The lack of access to the services trade market is currently illustrated by the exclusion of U.S. firms from bidding on contracts which will be let on the mammoth Kansai Airport project. When I raised this issue with Mr. Abe his reply was partial and equivocal. He said that U.S. access would be limited only to construction of the airport buildings, he did not say precisely it would be limited to that. But my understanding of his answer was that U.S. access would be limited only to the construction of the airport runways and aprons, and only by way of joint ventures with Japanese firms.

So United States firms cannot win a contract alone, without sharing it with a Japanese firm, and cannot even bid on the substantial electronics package involved in a major airport, or the various services such as restaurants, shops, and so forth. This is not what I think could reasonably be called "openness."

Mr. Abe did not even make a procedural commitment when it came to fighter aircraft and semiconductors. The aircraft decision, according to Mr. Abe, has not been made, and he could not say when it would be made. On the question of violating the semiconductor agreement, he simply asserted that the Japanese were complying with it. That assertion, Mr. President, strains a reasonable mind. The Japanese definition of an open market may not compare with our own definition. Nevertheless, the importation of semiconductors into the Japanese market has been restrained, and the Japanese have been dumping, below cost, in the Third World. While denying violation of the semiconductor agreement, Mr. Abe said it was extremely difficult to control other sovereign nations, but Japan is doing what it can. But, this is a part of a solemn agreement, which must be abided by.

How can we trust that other agreements will be adhered to if this violation of an agreement is to be an example?

In fact, Mr. President, the retaliatory actions by the administration were exceedingly mild. The products subject to retaliation amount to about 1 day's worth of imports from Japan—less than one-half of 1 percent of Japanese sales in the United States.

Mr. Abe urged to me to try to prevent legislation that might lead to sanctions or retaliation. I said to him that many Members in Congress share my view that we need a level playing field in the Japanese market. In terms of official tariffs and quotas, the Japanese market may look open. But the actual operation of the Japanese economy is very protectionist.

Year after year, we have been told that new commitments by Japan would make the situation better. Yet, year after year, the trade deficit has deteriorated even further. It has reached a point where we must see results. Our people are demanding more than promises. I for one am not willing to lean on promises any longer. We have had them up to our ears. Promises unfulfilled are worse than promises that were never made. My West Virginia coal miners cannot live on promises.

As we noted in the joint letter, Prime Minister Nakasone appointed an advisory group on economic structural adjustment for international harmony, the Maekawa Commission. In its report early last year, that commission emphasized the need for historical transformations in Japan's traditional policies on economic management. In particular, it recommended active efforts to expand import promotion policies. Unfortunately, we are still waiting 1 year later to see such active efforts on a broad front.

Japanese efforts to open their market to American goods is best characterized by an old Japanese legislative tradition known as "Ox Walk"—it is tediously slow, painstakingly maddening, more expeditious action is necessary.

I hope that our frank exchange of views yesterday will help to resolve a very serious problem that exists between two allies. Certainly, it is in the best interest of each country to do that as quickly as possible. I look forward to the coming visit of Prime Minister Nakasone next week particularly in light of reports that he will be unveiling a program to lend debtor nations in Latin America moneys accumulated in trade surpluses from other nations. This appears to be a constructive step and indicates movement in Japan-United States cooperation in coping with international economic problems.

Mr. President, I ask unanimous consent that the joint letter to Prime Minister Nakasone be entered into the RECORD, and also that a story which appeared in yesterday's Washington Post with the headline "Opposition's 'Ox Walk' Delays Nakasone tax bill" be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 22, 1987.

HON. YASUHIRO NAKASONE,
Office of the Prime Minister, Nagata-Cho, Chiyoda-Ku, Japan

DEAR MR. PRIME MINISTER: In anticipation of your forthcoming visit to the United States, we would like to highlight, in advance, several areas of concern to us and our colleagues on the current stage of the relationship between our two nations. In particular, we will be focusing our attention on trade, as well as national security matters.

Recent events have highlighted the fact that tensions involved in our overall relationship stem in large part from the massive imbalance in our trading relationship. We believe that it is best to confront the underlying problems as vigorously as possible now, rather than attempting to smooth them over with rhetoric and political posturing. We wish to avoid misunderstandings and misperceptions, and to reduce to a minimum the resentments which public opinion pools in both our nations indicate have developed. In order for this to occur, it is critical that immediate and effective steps be taken to reduce our overall trade imbalance, but also that the explanation for the specific steps be made clearly, thoroughly, and repeatedly. As well, it may be necessary that new mechanisms for dialogue, involving both the public and private sector, could profitably be developed to help resolve current issues and forestall confrontations in the future. More importantly, as allies and friends, it should be possible to chart a course for future world economic expansion on a cooperative, not adversarial basis. It seems important to us to head off and resolve problems before they reach the stage where the pressures for retaliatory or other punitive measures become irresistible.

The actions taken by the President this past Friday, April 17, 1987, as a result of disappointing Japanese performance in complying with our bilateral semiconductor agreement, have broad support in the Congress. Indeed, as you know, both Houses passed by overwhelming votes, resolutions asking for such action. Even so, we believe the specific steps announced by the President were very mild in their economic impact, and we regard those steps as primarily symbolic in nature. Removing those steps would not be acceptable to us, nor to a large majority of our colleagues until the practices which led to their imposition have been demonstrably corrected.

This latest action underlies two specific standards which we believe require our constant attention: fairness and results. It is absolutely essential that existing trade agreements be enforced in such a way that tangible results accrue, rather than nominal commitments. The entire range of bilateral trade agreements should be reviewed, and it may well be productive to discuss the question of compliance with those arrangements, as well as the need for additional agreements in the near future.

Fairness, in our opinion, is best implemented through the promotion, across the entire range of product and service industries, of market access to American exports that are competitive in quality and price terms. If such had been the case with regard to semiconductors in the 1970's, current damage-control activities would, of course, be unnecessary. Therefore, competitive American exports, such as supercomputers, telecommunications equipment and services, fighter aircraft, agricultural products, coal, and a wide range of other goods and services must gain access to the Japanese market today if we are to avoid further explosive trade problems. There is a growing feeling that there is both conscious resistance to such market openings (reflected in recent news stories on barriers to your importation of our supercomputers), as well as broad range of practices in Japanese society working against market openings. Some may conclude that it may be impossible, even if responsible government officials in Japan desire it, to accomplish much progress in the opening of the Japanese market. Evidence to the contrary is necessary to combat this perception, or it is likely that additional efforts will be attempted to close off the American market to Japanese goods.

For the last several years, the U.S. has acted as the locomotive for world economic growth by rapidly expanding its imports. With the depreciation of the dollar, this situation is changing and current surplus countries, including Japan, must assume a larger and more responsible role in promoting world trade and economic growth by a sustained program to accelerate imports. For that reason, we have been greatly impressed with the initiative you took in creating the Advisory Group on Economic Structural Adjustment for International Harmony. We believe that the overall theme of the need for "historical transformations" in Japan's "traditional policies on economic management", including sustained "active efforts" to "expand import promotion policies" are laudable and courageous. We are, however, somewhat disappointed with the progress which has been made to date in implementing into government policies the crucial recommendations of this blue-ribbon commission.

Two additional specific areas, illustrated by important projects currently susceptible to near-term decision-making by your government, are worthy of discussion at this time. First, practices in international services trade are now being defined and developed, but are an area of fast growing international importance, particularly to the U.S. A vigorous attempt to promote open competition in services would be a very important indication of good faith. Therefore, Japanese policy permitting fair and open bidding for construction contracts on the Kansai airport project assumes far greater weight than the particular value of those contracts themselves. Therefore, if your government were to restrain fair competition for those services contracts, it would be a discouraging signal.

Second, it has been apparent that Japan needs and desires a new generation fighter aircraft. It is clear that our security relationship is one of the brightest portions of our overall relationship, and we believe that cooperation should be nurtured further. Clearly, very substantial economic benefits would accrue to both our nations if that fighter aircraft were to be purchased from the United States. Not only would Japan experience substantial savings, but other major positive factors such as interoperability and long-term cooperation on defense matters will be greatly enhanced. The decision to purchase your new aircraft from the U.S. would be taken, in particular, as a sign of good will by Japan and as a tangible guarantor of a continuation of our close security relationship. Given the many mutual benefits of such a development, we urge an early favorable decision along these lines by your government.

We understand that you may be bringing with you some initiatives intended to relieve the overall problems which confront our relationship. Any new initiatives are, of course, very welcome. We believe that you have personally played a very positive force in attempting to identify ways to relieve the problems associated with Japanese-American relations, and believe that mutually reinforcing good faith efforts can result in tangible progress. We are also quite aware that there is an acute need to improve American competitive performance across a range of industries, and we are open to any constructive criticisms which emphasize the

key standards of a "level playing field" in our economic relationships. We look forward to discussing these matters with you in further detail next week in Washington.

Sincerely,

ROBERT C. BYRD.
LLOYD BENTSEN.
BOB DOLE.
JOHN C. DANFORTH.

OPPOSITION'S 'OX WALK' DELAYS NAKASONE TAX BILL

(By John Burgess)

TOKYO, April 22 (Wednesday)—The Japanese parliament normally the most dull and predictable of institutions, erupted last night in shoves and body blocks as the opposition gave its all trying to stop adoption of a national sales tax.

Early this morning, rancor gave way to paralysis. A *gyu-ho,* or "ox walk," was under way, a long-unused delaying tactic in which opposition lawmakers somehow took 20 minutes each to cross about 30 feet of carpet and steps to the ballot box.

The show as so unusual that national television broke into regular programming to broadcast parts of it live. Finally, something exciting was happening at the Diet, as parliament is known.

The Japanese crave *wah* (harmony) in most parts of their lives, including politics. Since coming to office in 1982, Prime Minister Yasuhiro Nakasone has managed to preserve it while leading the nation through such contentious issues as higher defense spending, a bitter trade dispute with the United States and a split-up of the huge national railway system.

But a plan he announced last year to tack a 5 percent tax onto many commercial transactions has brought *wah* to the breaking point and, many people here believe, put a limit on how long Nakasone can hang on in office.

Business in the 51-year-old granite building that houses the Diet is normally a study in the Japanese penchant for arranging things behind the scenes before they are brought up for formal action.

The mechanisms of democracy are there. Like the U.S. Congress, the Diet has procedures for reconciling differing versions of a bill passed by the upper and lower houses. However, the last time there was such a difference was in the 1950s.

The fates of bills are normally decided before they reach the Diet. That takes place at the nearby headquarters of the Liberal Democratic Party, which has been in power for all 32 years of its existence. The party runs a system of committees and hearings in parallel to the Diet's.

This is not to say that opposition voices count for nothing. For the ruling party to act alone would be to risk a political crisis and public censure for arrogance and abuse of democracy. People want *wah.*

Since the new year, the opposition parties have been betting everything on stopping the sales tax. Nakasone says that the nation needs it for financial modernization, but this support is decreasing, even in his own party.

The opposition's efforts began with boycotts of Diet business in January. Though the ruling party, known as the LDP, always had the votes to proceed alone, it was wary of charges of arrogance if it ignored the opposition. It became even more reluctant when its own constituents began lining up against the tax.

So it waited and negotiated. The deadline for passing the new national budget for the year beginning April 1 came and went. So a 50-day temporary budget was enacted.

Early this month, Nakasone concluded that no more time could be wasted. The impasse was holding up not only the tax, which he swore was going to go through, but also consideration of a supplementary budget that is supposed to speed up the Japanese economy and appease the United States in the dispute over trade.

Last week, they forced the budget through the budget committee with a vote by show of hands. Opposition members angrily rushed the chairman's podium, demanding that the vote be rescinded. The LDP people did the same to protect their accomplishment.

Tonight, with negotiations for a compromise exhausted, the LDP began action on the budget on the floor of the lower house. The opposition was lying in wait. It had shipped in boxes of bananas for its members to eat through the all-night session that seemed certain.

"This is the time when we shall see whether democracy is in decline," said an elated Takako Doi, chairman of the main opposition Japan Socialist Party.

With a doctor and nurse on call, the LDP put forward a resolution to limit debate. LDP members quickly voted in favor. The opposition struck back with an "ox walk," its first since May 1977.

Suddenly the speaker suspended the vote. Opposition lawmakers rushed forward, forming a noisy human chain around the podium. Officials were unable to recover the ballots. The vote was thrown out and, at 1 this morning, the process started all over.

Yoshiaki Kiuchi of the centrist Clean Government Party led the "ox walk" this time. It took him 13 minutes to walk about 20 feet to the foot of steps leading up to the speakers' podium, where votes are cast.

He tried to maintain a dignified nonchalance, ignoring the many catcalls from LDP members: "No smiling!" You can go slower!"

It took Kiuchi another seven minutes to ascend the half dozen or so steps to the voting point. When he finally handed is green tag signifying a "no' vote to an official, applause broke out.

Nakasone was seated in the rear of the ornate paneled chamber. He was not watching, however. He was dozing.

The vote took about three hours. The LDP won and the Diet moved on at the same pace to another opposition motion.

FARM DISASTER ASSISTANCE ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the pending business, H.R. 1157, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986.

The Senate resumed consideration of the bill.

(Mr. FOWLER assumed the chair.)

Mr. COCHRAN. Mr. President, we are now back on the bill, as I understand it, which was the subject of debate yesterday in the Senate, having been reported from the Committee on Agriculture in an effort to do something to solve some discrepancies that arose when the committee sought to assist some who might have been left out of the effort to provide disaster assistance benefits which were needed because of drought and other tragedies that occurred on farms and in rural America during the past year.

I understand that in the discussion of an amendment which is to be before the Senate on the subject of the soybean marketing loan program questions were asked yesterday about the effect of that amendment on existing law and the loan rates provided to support soybean production in this country.

Because this question has been raised, I would like to try to explain what is sought to be accomplished by the amendment that will be offered by the distinguished Senator from Minnesota [Mr. BOSCHWITZ] which is cosponsored by several other Senators, Republicans and Democrats.

The text of the amendment is substantially the same as a bill which was introduced in the Senate in January of this year, S. 308. That bill was introduced by this Senator in an effort to require the Secretary of Agriculture to implement a marketing loan program for soybeans. That was the primary goal of the legislation, and I think it is agreed by cosponsoring Senators of this amendment that that is the primary purpose of this amendment, to force the Secretary of Agriculture to implement a marketing loan program for soybeans.

The reason we feel very strongly that that ought to be done is the success that has been demonstrated in the two programs which have a marketing loan program in place to assist in the marketing of commodities. Those two commodities are cotton and rice.

There is no effort being made to change existing law with respect to the prescribed authority for loan rates for soybeans except in one particular instance and that is to suspend for 1 year only the authority of the Secretary to reduce the loan rate from the prescribed $5.02 by 5 percent.

I am going to put in the RECORD a description of the existing provisions as they relate to the loan rate for soybeans so that the RECORD will be very clear on that subject. But in summary, let me say that this amendment makes no changes in these existing provisions. It does not change the authorized soybean loan rate for any crop year including the 1987 crop year. It affects the loan rate, however, by suspending the Secretary's discretionary authority to lower the loan rate up to 5 percent for 1 crop year only, 1987. I think that is the answer to the question that was raised by the distinguished Senator from Montana [Mr.

MELCHER] during yesterday's discussion of the effect of the amendment.

So I hope this will clarify the intent of those of us who are sponsoring the amendment. The only thing really new in this amendment is the sunflower program. The marketing loan program is not new. It would be new to soybeans. But it is not new. It has been tried and proven to be effective, Mr. President. We are searching for ways to do something about the trade deficit which reached $170 billion last year. We are looking for ways to revitalize rural America, create new job opportunities. If we really wanted to do something smart and economically feasible, we would support those industries and those economic activities with which rural America is already acquainted. Rather than create a new bureaucracy or some new, innovative, and untried program for job creation, let us support the farmers. Let us support the businesses which sell to the farmers, and we can do it in a more cost effective way by making a modest investment toward making our agriculture sector more competitive in the international market.

That is what we are really bringing to the attention of the Senate today in this amendment. Let us implement a program that will help our soybean industry become more competitive in the international marketplace.

What has happened in the soybean industry is that we have seen a reduction of some 15 million acres, an idling of 15 million acres of soybean production, because the soybean farmers and exporters cannot sell what is being produced in the international marketplace. What has happened as a result of that idling of acreage and that cutback is that 15 million new acres have been put in production by overseas competitors who sell below the U.S. loan rate.

That is the problem that would be corrected and addressed in an economically feasible, sound way if this amendment is adopted. So I hope Senators will look carefully at it, Mr. President, and weigh the cost against the proven record of the program in the other commodities where it has been implemented.

Mr. President, I ask unanimous consent that my statement about the effect of the amendment on the soybean loan rate be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WHAT DOES THIS AMENDMENT DO TO THE SOYBEAN LOAN RATE?

This amendment does not increase the authorized soybean loan rate for any crop year. Current law, the Food Security Act of 1985, Section 801, subsection (1), paragraphs (1)(B) and (1)(C), establishes the soybean loan rate for respective crop years as follows:

Paragraph (1)(B)—The support price for the 1986 and 1987 crops of soybeans shall be $5.02 per bushel.

Paragraph (1)(C)—The support price for each of the 1988 through 1990 crops of soybeans shall be established at a level equal to 75 percent of the simple average price received by producers for soybeans in the preceding 5 marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, except that the level of price support may not be reduced by more than 5 percent in any year and in no event below $4.50 per bushel.

This amendment makes no change in these provisions, therefore, it does not change the authorized soybean loan rate for any crop year, including the 1987 crop year.

This amendment affects the loan rate by suspending the Secretary's discretionary authority contained in Section 801, subsection (1), paragraph (2), the Food Security Act of 1985, to lower, for market competitive reasons, the loan rate up to 5 percent for one crop year only—1987.

WHY IS THIS CHANGE NECESSARY?

USDA Prospective Planting Report, dated March 31, 1987, indicates a significant decline in soybean acreage again this year. Acres planted could be as low as 56.9 million, down 7 percent from last year. This acreage would be the lowest planted since 1976 and 14.5 million acres below the 1979 high of 71.4 million acres. There is some concern about shorting domestic supplies to processing facilities if this rate of decline continues. The total industry, producers through all handlers, will be hurt if this happens. The certainty this amendment would give to what the 1987 crop loan rate would be—$5.02—and having that information this early in the year could influence acres planted.

The marketing loan provision is significantly more effective in making the industry competitive in international markets than the Secretary's authority to lower the loan rate up to 5 percent. Once the Secretary lowers the loan rate 5 percent, there still remains a fixed price floor for foreign competitors and their governments to price under.

Is this proposal new and one that requires hearings to properly understand?

Of course, the marketing loan may not be understood by everyone, but this amendment, as it applies to soybeans basically requires implementation of existing authority. The proposal was debated in 1985 and included in law.

The discretionary soybean loan deficiency payment provision is part of other commodity marketing loan programs. The Secretary has exercised his discretion and included this provision in the cotton program in 1986 and again in 1987.

WHAT IS NEW ABOUT THIS AMENDMENT?

The sunflower program is new.

Mr. MELCHER. Mr. President, will the distinguished Senator from Mississippi yield for a question?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. MELCHER. I thank my friend for yielding.

I want to be sure that I understand whether the distinguished Senator from Mississippi agrees with the Senator from Minnesota [Mr. BOSCHWITZ] when he said the cost of including the 1987 soybean crop in a marketing loan program would be $1 billion.

Mr. COCHRAN. The understanding that I have—if the distinguished Senator will permit me to respond—is that the Congressional Budget Office has made an analysis of the 4-year cost of this amendment and the Soybean Program, and the assessment of the cost is $2.156 billion over that period of time. For fiscal year 1987, the cost would be $50 million; for fiscal year 1988, $1 billion; for fiscal year 1989, $98 million; for fiscal year 1990, $126 million; and the cost gets smaller in the out years. Beyond that, they estimated that the cost will go down to $21 million in fiscal year 1992. The cost over a 4-year program of the amendment is $1 billion. The $2.15 billion figure is the total 4-year cost of the Soybean Program.

So I would agree that the distinguished Senator from Minnesota was correct, in that the additional cost of the amendment in the Soybean Program would be $1 billion over 4 years.

Mr. MELCHER. If the Senator from Mississippi will further enlighten me, is there a cost figure just for the 1987 crop?

Mr. COCHRAN. Mr. President, I have a figure of $50 million for the fiscal year 1987 crop.

Mr. MELCHER. I thank the Senator.

Mr. President, there is a little bit of confusion on this cost. Fifty million dollars for 1 year for the 1987 crop, out of an additional cost of $1 billion for 4 years, seems like a rather modest amount. The problem seems to hinge on that, I believe.

I suspect that the Department of Agriculture might have a different figure—I am not sure—but the key paragraph in the letter dated April 22, signed by Deputy Secretary Peter Myers, in regard to soybeans, reads as follows:

The Department is opposed to a marketing loan for soybeans. Enactment of a soybean marketing loan for the 1987 crop at this time will result in reduced demand for the remaining 1986 U.S. soybean crop. Foreign buyers of U.S. soybeans and soybean products will purchase only hand to mouth until the lower priced 1987 crop becomes available. The South American crop will be sold in export markets as quickly as possible to avoid lower prices in the fall of 1987. There will be an immediate negative price impact which will result in increased 1986 crop CCC loan forfeitures and budget outlays. This will also result in a huge cost to the soybean program with little export improvement from increased price competitiveness with South American countries until May-June 1988 due to the South American Soybean Production cycle. The funding of this marketing loan through a one time sale of assets is budget gimmickry. What assets can be sold next year to fund the program? The General Accounting Office has severely criticized the use of asset sales to reduce outlays.

Mr. President, that is a rather damning statement by the administration on this proposed amendment. I suspect that part of the reason for it is based on their conclusion that bringing the 1987 crop in now on the marketing loan will upset the sale with respect to other soybean-producing countries.

However, I think the Senator from Minnesota and the Senator from Mississippi have accurately portrayed the dilemma we are in with soybeans. The world price on corn and other feed grains is low because we have a huge surplus in this country overhanging the market that will go on into calendar year 1988. That surplus is a continual drag on the market.

I am quite amazed that the amendment is drafted to include the 1987 crop, because I think it is virtually too late, realistically, to feel that soybean producers can change their plans, whatever they are. This is the latter part of April. The bill will not become finalized until after a conference committee and it gets to the President and he signs it into law, and that likely will be sometime in May.

So, while there may be merit in having soybeans on a marketing loan program, I am rather shocked, I guess, that at this late date we are presented with the argument to include the 1987 crop and make it effective for this crop.

I am going to oppose the amendment, but I want to make it clear that, as one member of the Senate Agriculture Committee, I am very open to the presentation of the marketing loan concept for soybeans for the 1988 crop. We will have hearings on that in the committee, specially designed to hear from the producers and others in the business of crushing and marketing soybeans. I think it might be wise to do that. I feel rather at a loss to consider the 1987 crop at this late date in the planting season.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont, the chairman of the committee [Mr. LEAHY].

Mr. LEAHY. Mr. President, I concur with what the Senator from Montana has said. I understand the concerns of those who will propose this amendment.

I ask the Chair: Am I correct that there is no amendment now pending before the body?

The PRESIDING OFFICER. The Senator is correct. There is no amendment pending.

Mr. LEAHY. If debate ceased, the Chair would then be required to move us to third reading. Am I correct?

The PRESIDING OFFICER. The chairman of the committee is correct.

Mr. LEAHY. I mention that, Mr. President, only because we have had now a fine exercise. Everybody has had a chance to speak on the floor, on this bill. We have certainly seen the efficacy of the Sergeant at Arms in bringing Senators to the floor, out of other very important meetings, two or three times yesterday. I hope that is not going to be necessary today.

It is certainly my intention—everybody has had a chance to discuss this—to finish this bill today. I understand that we will have a caucus at 2:30 this afternoon. It would make a lot more sense to finish the bill before that caucus at 2:30; because if the bill drags on too long, I might even succumb to the temptation of an amendment here or there. I would hate to be the cause of my colleagues still being here late tomorrow afternoon, when they may have other matters to attend to in serving the public interest, such as being back in their home States by that hour. I suspect that if we do not finish before the caucus, we will be on this bill tomorrow.

I will oppose this particular amendment, should it actually be brought before the Senate. I will oppose it because of the cost of it. I see it as a partial rewrite of the 1985 farm bill. I do not think it is appropriate on this piece of legislation. It certainly would guarantee—on the basis of the letter received from the Department of Agriculture—a vote of the bill. Nobody gains by that.

It is not a matter that would allow us to get through a conference. In fact, should it be there, it might even make a conference seem like a wasted activity; and I would not want to put the conferees on this bill, nor my friends in the other body, to an unnecessary conference, when they all have very serious things to do on their schedule.

So, if we are going to go through this exercise I will oppose it and would urge other Senators to oppose it.

I would also note, though, that if the amendment is going to come up it ought to come up because it is fast approaching third reading time; otherwise, as I said, we run the real risk of finding us all around here late tomorrow afternoon still discussing this bill and knowing that the majority leader has a number of other items he still wants to bring up once this is over.

So, I would suspect, to use the time-hallowed parliamentary phrase, it is time to fish or cut bait around here, and let us do that.

The distinguished Senator from Indiana and I have tried every which way to accommodate Senators who have amendments. We have certainly spent a great deal of time working with Senators on both sides of the aisle yesterday, modifying some amendments and making them acceptable, and I should also compliment those Senators who had amendments. I think a number of Senators with amendments worked very, very diligently here yesterday to put them into a compromise form to make them acceptable so that we could take them by voice vote. And I would urge similar accommodation of us today.

I yield to the Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished chairman.

I simply join him again in pointing out the situation I think all Members should be aware of, and that is that we have a piece of legislation with a very narrow focus of helping certain victims of disaster. It is a compassionate, tightly drafted bill, and the House of Representatives has acted to keep it narrow.

Mr. President, the fact is that there are a lot of ideas about how agriculture might be improved that do not relate to the purpose of this bill.

The marketing loan for soybeans that the distinguished Senator from Mississippi has discussed this morning is one of those ideas. It has not been explored through hearings, with careful research for this particular crop year. It would have an immediate impact. It would be substantial.

The same is true for various ideas for advancing deficiency payments for corn farmers. Other suggestions have been made for other crops. All those ideas are out there.

Mr. President, not only are the ideas out there, the drafters of the amendments are still out there drafting them. If Senators have some confusion as to what is going on, we are marking time because the drafters of the amendments are trying to calculate whether they are going to be able to be successful with their amendments in an atmosphere in which the American farmer does not want a lot of change to the farm bill nor do agricultural groups generally.

Most Senators are aware of a letter that was sent on March 17, 1987, signed by the American Farm Bureau Federation, the American Soybeans Association, the National Cattlemen's Association, the National Corn Growers' Association, the National Cotton Council, the National Pork Producers Council, and the U.S. Rice Producers' Legislative Group. These groups said that they support the implementation of the various provisions and authorities of the Food Security Act of 1985. Reading from the text of the groups' statement:

> We recommend that the Food Security Act of 1985 not be reopened by the Congress as it has only been in place for less than 15 months and is operating in its first crop marketing year. This legislation must be given sufficient time to work so that it might have its intended impact on the current U.S. agricultural situation.

This is written to Senator LEAHY, chairman of the Senate Agriculture Committee, and Congressman DE LA GARZA, chairman of the Agriculture Committee in the House of Representatives. The statement continues:

The agricultural organizations and commodity groups represented here are prepared to join with you, in urging other members of the United States Congress to maintain the farm program provisions of the Food Security Act of 1985. We will also press the Administration to use to a maximum the authorities available to it under the current farm legislation in order that American agriculture might become more competitive in the export markets, while at the same time maintaining farm income.

We look forward to working with you on this important issue.

The administration has broad latitude with regard to implementing marketing loans, as far as that is concerned, for soybeans and other commodities. That authorization is in the farm bill.

What American farmers want is some degree of certitude as planting occurs in this 1987 crop year.

Senators may want to try to embroider the edges of the 1987 programs by amending this legislation. But the U.S. Department of Agriculture, so as not to be misunderstood at all—and the distinguished chairman read this paragraph of the Department's letter, but I repeat it again—

To summarize, there is almost nothing in HR 1157 which is desirable to the Department. Most of the proposed amendments are poor policy choices and even worse budget choices. If H.R. 1157 is enacted by Congress, in its present form with some of the proposed amendments, it is likely that the Department would recommend that the President veto the legislation.

Among the aspects of the House bill that USDA objected to was $135 million in addition to the $400 million payment cap contemplated when the disaster program was originally approved in 1986. The Department is saying even that might be enough reason for the President to veto the bill, quite apart from a $1 billion soybean marketing loan program in the first year and/or a movement of the corn deficiency payments up several months with a nearly $3 billion impact upon the budget. In addition, the Department characterizes the proposal to pay for the soybean marketing loan by selling assets as "gimmickry."

The Department of Agriculture points out that at some point the Government will run out of assets to sell. It costs a lot of money to implement big farm programs. So I ask, should we proceed in a floor debate in the Senate without appropriate ideas developed through full committee review, as to what the impact would be upon the people who are supposed to be helped?

Mr. President, at the proper time, if the amendment is offered—if the drafters ever finish their work—if we are still here on the floor debating the proposition—I will point out that the soybean farmers who are supposed to be the beneficiaries of this marketing loan program are going to be hurt by it. They are going to be badly hurt. People who propose this amendment better rest with the thought that they bear some responsibility for what will be a severe impact on the price of soybeans for farmers, here and now, not in the hereafter.

That is a serious problem.

I would suggest before Senators approach the floor trying to help the soybean farmer or the corn farmer—I mention those two because I am a corn farmer and I am a soybean farmer—that they weigh carefully the overall impact of the changes proposed. I am planting both crops on my farm this year as I have often done before. I know the prices and I know the costs. I know the farmers involved with those two crops. When Senators come on the floor suggesting that the Government ought to help me as a soybean farmer, I perk up my ears, but when they suggest a marketing loan in this crop year, that is a disaster.

So I am going to oppose this amendment if it ever arrives. I hope it will not arrive.

The point of this speech, Mr. President, is to signal those who are feverishly drafting more and more legislation to help me as a soybean farmer, to please cease-fire. Let us have one year in peace. Let us plant our crops because soybean prices have been going up, Mr. President, not down.

I would just point out as a topical item that once this bill came on the floor of the Senate yesterday morning and the rumor went around the commodities futures markets that this marketing loan program for soybeans was about to hit, the price of soybean futures went down in a hurry. That was the reaction of people, and they guessed right. Adoption of this program would depress the price in a hurry.

It is no bargain to simply sell all the soybeans we have in the world at such depressed prices that we finally find the bottom, and then reassure soybean farmers that they will not be hurt because they will receive even more money under the Price Support Program at the expense of American taxpayers generally. That is not a very successful program, as I see it, Mr. President. But that is what the marketing loan business is all about. It is a fire sale paid for by the rest of the taxpayers while those people who are soybean farmers, with soybeans in storage currently, watch the value of their inventories decline very rapidly.

So, Mr. President, I hope the amendment will not arrive. I will support the distinguished chairman in blowing the whistle whenever he wants to. As far as our side is concerned, we have had plenty of time to offer amendments. Time has been going on and on and on. I would suggest, if there is to be a caucus of one party or another at 2:30, that that might be an appropriate time to wind up the debate. I would hope there would not be further amendments to clutter up the bill.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I wish to commend the Senator from Indiana for his speech. I have some prepared notes I was going to present, but they pale beside what he has said. He has laid out the issue very, very well. He has laid out the arguments. I join with him and say I hope there will not be an amendment. But if there is, I am going to strongly oppose it and hopefully get on and get this piece of legislation through, clear our differences with the other body, and get it to the President.

So I commend the Senator from Indiana. He has been working very patiently and diligently with Members on both sides of the aisle to get amendments through.

Mr. CHILES. Will the Senator from Indiana yield?

Mr. LUGAR. I am delighted to yield.

Mr. CHILES. I understand we do not have an amendment pending yet, so all of our remarks are sort of prefacing an amendment if it were pending.

If the amendment follows the form which has been shown to the Senator from Florida, the Senator from Florida, in his capacity as chairman of the Budget Committee, joined by the ranking member, the Senator from New Mexico, would pose a point of order on the amendment in that it does contain new budget authority for the year 1988. That budget authority has not been cleared in a budget resolution. So at some appropriate time, that point will be raised.

Mr. LUGAR. That is reassuring.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 161

(Purpose: To improve the bill)

Mr. BOSCHWITZ. Mr. President, the amendment to which my colleague from Vermont and my colleague from Indiana have alluded will now be offered.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HARKIN). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ], for himself, Mr. COCHRAN, Mr. HEFLIN, Mr. PRYOR, Mr. KARNES, Mr. BOND, Mr. DURENBERGER, Mr. GRASSLEY, Mr. BURDICK, Mr. DANFORTH, and Mr. MCCONNELL, proposes an amendment numbered 161.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new sections:

SOYBEAN PROGRAM ADJUSTMENTS

SEC. 6. (a) Effective for the 1987 through 1990 crops of soybeans, section 201(i) of the Agricultural Act of 1949 (7 U.S.C. 1446(i)) is amended—

(1) in paragraph (2), by adding at the end thereof the following new sentence: "The paragraph shall not apply to the marketing year for the 1987 crop of soybeans.";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out "If" and all that follows through "may" and inserting in lieu thereof "In the case of each of the 1987 through 1990 crops of soybeans, the Secretary shall"; and

(B) in subparagraph (B), by striking out "If" and all that follows through "the Secretary shall" and inserting in lieu thereof "The Secretary shall"; and

(3) by adding at the end thereof the following new paragraphs:

"(7)(A) The Secretary may, for each of the 1987 through 1990 crops of soybeans, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forego obtaining such loan or agreement in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) a loan deficiency payment rate equal to the difference between—

"(I) the loan payment rate; and

"(II) the prevailing world market price for soybeans as determined by the Secretary; by

"(ii) the quantity of soybeans the producer is eligible to place under the loan.

"(C) Payments to a producer under this paragraph shall be made—

"(i) as soon as possible after the certification of eligible soybeans has been provided by the producer and after the producer waives the right to place the soybeans under the loan program; and

"(ii) at the option of the Secretary, in the form of in-kind negotiable certificates in such manner as the Secretary determines appropriate to enable the producer to receive payments in an efficient, equitable, and expeditious manner so as to ensure that the producer receives the same total return as if the payments had been made in cash.

"(D) Producers shall have the option of taking a loan deficiency payment on any part of eligible production at any time during which a nonrecourse loan could be obtained, and on which production such payment has not been made, without foregoing such option on the balance of the eligible production.

"(E) To avoid overpayments, the Secretary may require an accounting of soybeans for which a loan deficiency payment has been made before issuing another loan deficiency payment to the same producer.

"(F) The producers of soybeans placed under loans that are outstanding on the date of enactment of this paragraph may, at the option of the Secretary, for a reasonable time period established by the Secretary, receive a loan deficiency payment in exchange for repaying such loan and interest.

"(8) If a producer is permitted to repay a loan for a crop of soybeans under this subsection at a level that is less than the full amount of the loan, the Secretary shall support the price of cottonseed at such level as the Secretary determines will cause cottonseed to compete on equal terms with soybeans on the market.".

(b) Section 1001(2)(B)(v) of the Food Security Act of 1985 (7 U.S.C. 1308(2)(B)(v)) is amended—

(1) by striking out "or rice" and inserting in lieu thereof "rice, or soybeans"; and

(2) by striking out "or 101A(b)" and inserting in lieu thereof ", 101A(b), or 201(i)(7)".

SUNFLOWER MARKETING LOAN PROGRAM

SEC. 7. Effective for the 1987 through 1990 crops of sunflowers, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) in the first sentence, by inserting "sunflowers," after "soybeans,"; and

(2) by adding at the end thereof the following new subsection:

"(l)(1) The Secretary shall make available to producers loans and purchasers for each of the 1987 through 1990 crops of sunflowers at such level as the Secretary determines will take into account the historical oil content of sunflowers and soybeans and not result in excessive total stocks of sunflowers taking into consideration the cost of producing of sunflowers, supply and demand conditions, and world prices for sunflowers, except that such level may not be less than 8½ cents per pound.

"(2) If the Secretary reduces the level of loans and purchases for a crop of soybeans under subsection (i)(2), the Secretary may reduce the level of loans and purchases for the crop of sunflowers under paragraph (1) by the amount the Secretary determines is necessary to maintain domestic and export markets for sunflowers, except that the level of loans and purchasers may not be reduced by more than 5 percent in any year. Any reduction in the loan and purchase level for sunflowers under this paragraph shall not be considered in determining the loan and purchase level for sunflowers for subsequent years.

"(3)(A) The Secretary shall permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for sunflowers, as determined by the Secretary.

"(B) The Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflowers; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflowers.

"(4) For purposes of this subsection, the marketing year of sunflowers shall be prescribed by the Secretary by regulation.

"(5)(A) The Secretary shall make a preliminary announcement of the level of price support for sunflowers for a marketing year not earlier than 30 days before the beginning of the marketing year.

"(B) The Secretary shall make a final announcement of such level not later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(6) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for sunflowers or any other commodity as a condition of eligibility for price support for sunflowers.".

SALE OF AGRICULTURAL NOTES AND OTHER OBLIGATIONS

SEC. 8. (a) The Secretary of Agriculture, under such terms as the Secretary may prescribe, shall sell notes and other obligations held in the Rural Development Insurance Fund established under section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a) in such amounts as to realize additional net proceeds sufficient to offset any additional outlays incurred as the result of the amendments made by sections 6 and 7.

(b) Consistent with section 309A(e) of such Act, any sale of notes of other obligations, as described in subsection (a), shall not alter the terms specified in the note or other obligation, except that, on sale, a note or other obligation shall not be subject to section 333(c) of such Act (7 U.S.C. 1983(c)).

(c) Notwithstanding any other provision of law, each institution of the Farm Credit System shall be eligible to purchase notes and other obligations held in the Rural Development Insurance Fund and to service (including the extension of additional credit and all other actions necessary to preserve, conserve, or protect the institution's interest in the purchased notes or other obligations), collect, and dispose of such notes and other obligations, subject only to such terms and conditions as may be agreed to by the Secretary of Agriculture and the purchasing institution and as may be approved by the Farm Credit Administration.

(d) Prior to selling any note or other obligation, as described in subsection (a), the Secretary of Agriculture shall require persons offering to purchase the note or other obligation to demonstrate—

(1) an ability or resources to provide such servicing, with respect to the loans represented by the note or other obligation, that the Secretary determines is necessary to ensure the continued performance on the loan; and

(2) the ability to generate capital to provide the borrowers of the loans such additional credit as may be necessary in proper servicing of the loans.

Mr. BOSCHWITZ. Mr. President, I offer this amendment in my behalf and also in behalf of Senators COCHRAN, HEFLIN, PRYOR, KARNES, BOND, DURENBERGER, GRASSLEY, BURDICK, DANFORTH, and MCCONNELL. The amendment is the amendment my good friend from Indiana said should not be offered and it is a marketing loan for soybeans.

The Senator from Indiana said that the soybean farmers are going to be hurt and hurt badly. He said futures prices came down on the market yesterday because there is talk that this amendment will be offered. Indeed, they did come down, Mr. President. They came down by half a cent, and half a cent on a price of $4.50 is not, in my judgment, the catastrophe that my friend from Indiana foresees.

The basic economics of agriculture do not change, and the basic economics include the coming of a rather large crop from South America. That will have a greater impact, surely, on the price of soybeans than this legislation.

Mr. President, this amendment establishes marketing loans for soybeans and also for sunflowers.

As I said in my statement yesterday, these two crops are linked, and, therefore, the amendment must apply to both.

The underlying price support for soybeans remains set at 75 percent of the 5-year moving market average price. However, the authority for the Secretary to reduce the price more than 5 percent to improve competitiveness is precluded for the 1987 crop. We can expect, then, that the price support for the 1987 crop year will be $5.02 a bushel.

I do not see the distinguished Senator from Montana on the floor, but in speaking with him late yesterday afternoon about this, I indicated that the soybean loan rate might be in the middle $4.50's this year. I was mistaken. Under the 1985 farm bill, the minimum price would be $4.77 because, under the farm bill, the loan rate snaps back and more than 5 percent can be applied to it.

For the crop years 1988 to 1990, the Secretary may reduce price support prices more than 5 percent to improve competitiveness for soybeans under the amendment we have offered today. What we essentially are doing is rolling back price support reductions 2 years for soybean producers, noting that the loan rate on soybeans came down very markedly at the time the 1985 farm bill was passed.

At the same time, we are making soybeans competitive on the world market through utilizing a marketing loan.

In 1981, this country grew 70 million acres of beans. Again, as I said last evening, Mr. President, soybeans are the farmers' largest cash crop.

The 1987 prospective planting report indicates that as few as 57 million acres may be planted this spring. As our acreage has dropped, other producers, especially those in Argentina and Brazil, have taken up the slack. The only reason we have been able to hold onto any of the world market is that Brazil had a poor crop. We are proving once again that foreign producers are more than willing to take up the markets that we step away from. Without the marketing loan in soybeans, we are going to step away from the soybean market because of the disparity that exists between the price of other feed grains and soybeans at the present time, as I described last night.

The marketing loan does not solve all of our problems, but it does tell the rest of the world that we are no longer going to hold the place of soybeans and sunflowers above the market clearing level.

If this amendment is adopted, Argentina and Brazil will still be able to set the price of beans in the world if they so choose, but it will be competitive no matter where they go. In order to control the cost of the soybean marketing loans, the Secretary is given the opportunity to offer a payment to producers who agree to forgo obtaining a nonrecourse commodity loan on their soybeans. So that this is a so-called POP payment. And, for the purpose of not wanting to impact the budget adversely, we put that in so that there could be a "POP" payment and the loan would not be made. In that way outlays, indeed, would be reduced.

The payments would be equal to the difference between the loan rates and the loan repayment rate multiplied by the quantity of soybeans for which the producers would otherwise be able to put under loan. The POP payment would preclude them putting it under loan.

The provision has worked well in the Cotton Program and essentially eliminates the severe cash demand on the CCC which is created if producers are required to take out a nonrecourse loan in order to receive the benefits of the marketing loan.

I might say to my friend from Vermont and also the distinguished Senator from Indiana that they are going to get up and say that this is going to be a very costly program. I say to them that, in the event the $4.77 price continues, the Federal Government is going to obtain a large number of soybeans in its inventory because we are going to, indeed, cause more plantings to arise around the world. And since 40 or 45 percent of our soybean production is shipped overseas, we are going to find ourselves, the Government will find itself with very, very large numbers of bushels of soybeans that are surrendered to the Government if we keep the loan at $4.77 and do not impose a marketing loan as we are suggesting.

Another important aspect of the amendment is the sunflower marketing loan. Sunflower producers and processors have been unintended victims of our wheat and feed grain programs. The sunflower industry has virtually dried up because producers have too much incentive to participate in wheat and feed grain programs. The 8½-cent marketing loan will give the producers and processors the chance to get their industry back on its feet.

Cottonseed and its products are also part of the oilseed complex. It is important that we give the Secretary instructions to make sure that the historic price relationship between soybeans and cottonseed is maintained. This amendment contains such language.

The cost estimates of this amendment are all over the board. Frankly, I do not agree with the Congressional Budget Office estimates, nor does the Department of Agriculture, as I understand it. In the long run, the marketing loan will probably save money, because we prevent the default of commodities to the CCC and keep the entire agriculture infrastructure operating. This adds to the gross national product and it is surely better than just storing commodities and letting them rot over a period of time.

However, I understand that we must operate as if the CBO knew for sure what is going to happen in the future. And all of us have a cognizance of what these projections have been with respect to agriculture, whether it is the CBO or USDA. So I have taken the position all along that sound economics really have to dictate in these instances. And certainly in this case the marketing loan is sound economics, more so than allowing the loan to be at $4.77 this year, thereby creating a great deal of production in other countries and causing the CCC at the end to wind up with a very large stock on hand.

Exactly what the cost is is hard to determine. We do have to go by the CBO estimate. Many people disagree with them, I among them.

Therefore, in order to offset the CBO estimate of additional costs, we have included language instructing the Secertary to offset additional outlays that this amendment compels by selling rural development insurance fund loans, so-called RDIF loans, which they have done before for similiar purposes. The USDA has sold such loans in the past, so it will not be anything new to them.

I realize a section 303 point of order, as the distinguished chairman of the Budget Committee spoke about, is indeed in order for incurring new budget authority for a year in which there has been no budget resolution. But it is my understanding that it takes a majority of Senators voting to waive that point of order and I suppose we simply will have to vote on it, though I would hope we would vote on the amendment up or down rather than a point of order.

Questions have been raised concerning a section 311 point of order, but we will go into that in the event that it comes up.

However, the statement of my friend from Indiana that soybean growers are going to be hurt and hurt badly are indeed certainly not shared by the Soybean Association, which has sent a letter to all Senators hoping that this amendment that we are proferring this morning will indeed be accepted and passed. And it is indeed important that we do get this done. Soybeans have been on the outside with respect to the Farm Program.

The distinguished Senator from Indiana talks about not opening up the farm bill. He may recall that I wrote a letter to all Senators saying we should state the costs on the farm bill,

though I have always made exceptions with respect to soybeans because of the disproportions that have arisen under the farm bill with respect to soybeans.

Marketing loans are not new. Marketing loans are not something that require extensive hearings so we can get past the planting season. Marketing loans are part of the 1985 farm bill.

The impact of marketing loans have been observed in at least two major commodities and I think that marketing loans indeed are in order for soybeans as well. It really is the only way that we can preserve that industry or we are going to see a very substantial portion of it shipped offshore.

Mr. President, I yield the floor.

Mr. KARNES. Mr. President, I rise today as an original cosponsor of the amendment offered by Senator BOSCHWITZ which provides a mechanism to assure the long-term strength of the U.S. soybean industry.

Soybean production represents a $430 million component of Nebraska's agriculture sector. Until recently, soybeans have been a growth industry as reflected in Nebraska's soybean production increasing from 812,000 bushels in 1970 to 95.5 million bushels in 1986. Because of this growth, the soybean industry has chosen to be independent of the traditional Government programs which apply to program crops. However, the industry is changing. World production has increased by 16 percent since 1979, while U.S. production has decreased by 10 percent. Foreign soybean acreage has increased at the same rate U.S. acreage has decreased. Most of this foreign soybean production is sold in world markets below U.S. prices with the benefit of export subsidies. Responding to these changes necessitates flexible, market oriented agricultural policies which allow our producers the opportunity to market their production on comparable terms with soybeans producers worldwide.

Change has long been a benchmark in American agriculture. The extent of these changes can be quickly identified by reflecting on the impact of agriculture's first two industrial changes. The first industrial change was brought about by the use of mechanization and the second by the availability of fertilizers and chemicals to enhance productivity. American agriculture is now in the middle of its third major industrial change—that of transitioning from a domestic to an international industry and into the very competitive international marketplace—a marketplace which is very volatile and which responds to external pressures far beyond basic principles of supply, demand, and production efficiency. This third change is proving to be quite difficult for many segments of our agricultural industry—an industry essential to our economy in that it generates approximately one-fifth of our Nation's gross national product and provides one of every five U.S. jobs.

This amendment is designed to be of positive help to the long-term strength and stability of American agriculture in general and the U.S. soybean industry specifically. The principle feature of this amendment provides for mandatory use of the marketing loan concept for soybeans. Current law allows the discretionary use of this provision; however, it is a provision which the Secretary of Agriculture has chosen not to implement. Results of the marketing loan are clearly successful in the Cotton and Rice Program where its use is mandatory. The success of the marketing loan is, in part, reflected in other countries commodity planting decisions. After one year of marketing loan operation, we are seeing world production of cotton decreasing an estimated 10 million bales, and we are seeing projections of U.S. Cotton Program costs decreasing from $2.2 billion in 1986 to estimates in the $200 million range for 1989 with no acreage reduction programs—in other words, full domestic production with less government cost. This is the goal we should be striving to achieve—full domestic production, maximum use of our production resources, maximum contribution to the U.S. economy from its agricultural sector with decreasing government cost. U.S. producers can compete very successfully and effectively for international markets if comparable advantages are provided equal to the obvious subsidies presently available in the U.S. sphere. I believe use of the marketing loan concept provides an effective method of dealing with these subsidies and other factors which put our U.S. producers presently at artificial disadvantage.

This amendment also provides for use of a loan deficiency payment which provides opportunity for producers to receive the income protection offered by the loan rate in exchange of forfeiting their access to the nonrecourse loan. This effectively eliminates the possibility of government ownership of soybeans to the extent producers chose to utilize this option, assures the marketing function stays in the hands of producers, and keeps soybeans moving in the market rather than accumulating in government storage with the attendant storage expense.

Mr. President, I believe this amendment is good for producers in my State of Nebraska as well as all segments of the U.S. soybean industry. This amendment is a positive statement in support of a strong production agricultural industry—an industry which is an essential source of strength to the U.S. economy. I believe this amendment will prove to be a worthy investment in this industry and I ask the support of my colleagues for its prompt adoption.

I thank the Chair.

I yield the floor.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I congratulate the distinguished junior Senator from Nebraska on his speech which I understand is his first speech here on the floor of the Senate, and what an appropriate one it is that he talks about a crop that is of such great importance to farmers in his State, and indeed Nebraska is, as is Minnesota, a very rural State.

So I congratulate him for it. He made some very important points. The fact that after 1 year of the marketing loan in the case of cotton, the production worldwide has decreased, and while the U.S. production has not decreased so that we are indeed achieving with the marketing loan—I have not always been such a big fan of marketing loans—what we set out to achieve.

Furthermore, the distinguished Senator from Nebraska points out, in this his major speech on the floor of the Senate, that the so-called POP payment is a payment made—instead of making the loan, the payment that is made—to the farmer reflecting the difference between the loan rate and the market price. And that payment is made, and the Secretary has the option of making such a payment instead of making the loan. So that is a guarantee that all the soybeans will be in the marketplace. None of them will be under the loan. None of them will be surrendered to the Government. Indeed that is a very constructive aspect of this amendment, if I might say so myself, Mr. President.

The distinguished Senator from Nebraska also points out that agriculture is one-fifth of the gross national product. And I continue to point out that soybeans is the largest cash crop that farmers produce.

So I congratulate the distinguished Senator from Nebraska on his major speech here. I congratulate him not only on its substance, but also on the fact that it deals with an item of such great importance to his State.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Minnesota spoke on this issue, and the Senator from Nebraska has, and I understand the Senator from Alabama is about to. The Senator from Montana spoke earlier, prior to the amendment being brought to the desk. The Senator from Indiana and I have spoken to it. I wonder if I

might ask the Senator from Minnesota or the Senator from Alabama if they have any idea of how many Senators may be here to speak on this amendment. I want to make sure everybody gets a chance to speak on it. If I could get some kind of an idea, the Senator can have all the time he wants.

Mr. HEFLIN. I will answer the question. I would say, if the full Senate was to understand the issue, 99.

Mr. LEAHY. Of course, I say to my good friend from Alabama, having been alerted by their staffs that the Senator from Alabama is about to speak, probably all Members of the Senate have their television sets turned on so as not to miss a word of it, realizing that they could not possibly give the issue the color, the vitality, and the expertise that the Senator from Alabama is about to. They will really sit there, take notes, and cancel whatever else is on the agenda so they can do it.

But having said that, I was wondering if perhaps the Senator from Alabama might have some general idea about how long it will take.

Mr. HEFLIN. I yield to the distinguished Senator from Minnesota. He has been keeping tabs more than I have.

Mr. BOSCHWITZ. I thank the Senator for yielding. We expect probably six or eight more. And we will get on the phone and push a button to see if we cannot get them over here, because we do not want to delay the passage of the bill.

Mr. LEAHY. I appreciate the Senator from Minnesota saying that. As the Senator knows, the Senator from Indiana and I have done everything possible to make sure everybody's rights have been protected on this issue. In fact, the Senator from Mississippi has also spoken on it. We try to protect everybody's rights, and we naturally will. But again I will urge those who are going to speak to come forth. We eagerly await it. I sit here in anticipation barely able to contain myself with the anticipation of wanting to hear about this amendment.

With that, I yield the floor.

Mr. HEFLIN. Mr. President, I rise today to support this amendment that would mandate a $5.02 per bushel marketing loan for soybeans.

In my opinion, the needs of the soybean producers of this country were ignored during the consideration of the 1985 farm bill. The soybean farmers saw their only form of support, the loan rate, drastically reduced from $5.02 to $4.77 per bushel with expectations of the loan rate being reduced further to $4.50 per bushel. This is not fair, Mr. President.

When the Food Security Act of 1985 was before the Senate, I drafted and offered an amendment that gave the Secretary of Agriculture the discretionary authority to implement a marketing loan. This amendment was accepted by the Senate and retained by the Senate-House conferees and is a part of the 1985 farm bill. However, the Secretary has chosen not to implement this provision even though Congress has sent communications to him requesting that he do so and even passed resolutions calling on the Secretary to implement this marketing loan.

Mr. President, the marketing loan is not a "cure-all" program, but it has proven somewhat successful in the cotton and rice programs. I personally feel that the marketing loan is responsibile for making U.S. cotton again competitive in international markets. Our export projections of cotton have increased almost 300 percent. This same marketing loan is also responsible for the liquidation of CCC inventory of forefeited cotton. There is no costly surplus of cotton today.

This same concept will prove successful in keeping U.S. soybeans competitive while providing some reasonable level of price support. At current price levels in Alabama, this marketing loan program will not cost the U.S. Treasury any money. Soybeans are presently trading above the $5.02 per bushel loan rate set forth in this amendment. However, this program will send a signal to the international markets that U.S. soybean producers are ready to compete at any price level.

The soybean crops in Argentina and Brazil will soon be entering the international market. Traditionally, they have found a way to undercut U.S. prices, even though their production costs are calculated by some economists to be more than twice that of the U.S. soybean producer.

Mr. President, the U.S. Government has shared in the world bank loans and other programs that have and are subsidizing the Argentine and Brazilian soybean producers.

Unfortunately, back in the early seventies we had an embargo that was placed on U.S. exports of soybeans and as a result of that embargo the Argentina and Brazil soybean industries have become leading competitors of the soybean producers in the United States.

I feel it is only equitable to give our American farmers the tools to compete with these countries that have received subsidies from our own government.

Mr. President, I do have some concern that implementing a marketing loan at this time may result in some decline in soybean prices. For that reason, I have tried to persuade my colleagues to increase the soybean loan rate with this amendment from $4.77 per bushel to $5.02 per bushel. Soybean farmers in my State have been asking for this particular program since 1985. I am trying to work with my colleagues to see that they have such a program.

Now, Mr. President, in looking over the cotton program and how the marketing loan has worked relative to it, I find that there are, of course, press reports showing big payments that have been made to some people in the cotton business. But I want to point out to the Senate that the reason those big payments were made was because of the discretion of the Secretary of Agriculture. He had two plans before him. In the farm bill there are two plans pertaining to cotton, and under the plan that he elected to go with during the year 1986 it calls for the large transitional payments, it calls for the payments to the first handlers, and these are the payments that have received criticism across the country because of their enormity.

Mr. President, these enormous payments resulted because he selected that plan, because he exercised the discretion to proceed in that manner. In the farm bill, under a different plan, an alternate plan, plan B, which was a pure marketing loan, it gave authority to the Secretary to allow a cotton producer to repay the Commodity Credit Corporation loan at a level that is the lesser of the loan rate or the prevailing world market price during 1986. This concept is a pure marketing loan which targeted all of the benefits to the farmer.

The other alternative, plan A, which the Secretary chose to activate, limited the amount of direct payments to the farmer to 80 percent of the established loan rate. Direct benefits from a marketing loan reduced below the loan rate were to be made available to the first handlers of cotton, the cotton merchants in many instances. Generally these first handlers were not farmers. Such payments were not mandated by Congress but again was and is the result of discretionary authority exercised by the Secretary. This was in my opinion one of the ills of the program.

For the crop year of 1987, however, let me congratulate the Secretary of Agriculture because he has now chosen to follow plan B, which will correct most of the ills of the program. However, the new concept of a marketing loan, which Senator COCHRAN and Senator PRYOR developed, and in which I played some small part, specifically the element of this concept that the Secretary has now chosen to follow in 1987, and not the big payments that he made when he exercised the discretion in 1986, is responsible for making U.S. cotton competitive in international markets.

The USDA has now conservatively estimated that the cotton experts for this crop will reach 6.5 million bales. Experts in the industry have projected

that the exports could reach as high as 7 million bales. As of September 1986, the U.S. cotton export sales commitments were already 4.7 million bales, which is almost two and a half times the total exports during the crop year 1985. In other words, you had exports of slightly more than 2 million bales in 1985. As a result of the marketing loan the exports will reach probably 7 million bales of the 1986 crop.

Now, these impressive export sales are the response by our overseas customers to U.S. cotton prices that were on a par with world prices for the first time in nearly 2 years. Now that competitive prices are ensured for U.S. cotton, this commodity is poised to make a dramatic turnaround this year. In my opinion, the turnaround would not have been more timely. The cotton industry was in near crisis. Projected world production in carryover stocks was at the highest level in history. Excessive foreign production stimulated by foreign government subsidies and the overvalued dollar was making the price of the cotton as much as 21 cents a pound lower than ours. As a result U.S. exports in 1985, which were around 2 million bales, were at the lowest point since World War II.

I also believe the new cotton program will force changes in the number of acres planted to cotton in foreign countries. Statistics show that the acreage adjustment process abroad has already commenced. China plantings are down 26 percent. Southern Hemisphere planting are off 11 percent. Although the figures I have on the 1986 acreages are now preliminary, it is thought that China will go down again this year by another 5 percent and Australia by another 25 percent.

This new cotton program is also responsible for the change that has occurred in stocks held by the Commodity Credit Corporation. Since the sale of some 800,000 bales on January 6, 1987, the CCC does not have a single bale of forfeited cotton. The only cotton stocks controlled by the CCC are those held under current commodity loans. There is no costly surplus of cotton today, and there is little reason to expect any forfeitures in the future.

The cotton program has had another unique result. It is encouraging to observe that the world price, as calculated by the USDA, has risen over 100 percent since July 1986. The world price as of February 19, 1987, was 53.57 cents per pound. I do not have the figures up to date, but it is in that neighborhood.

Projecting cotton prices in the future is dangerous. The industry believes that the trend will continue upward and that it will maintain a level below the 1987 loan rate of 52.25 cents. This price range will eliminate any cost to the U.S. Treasury under the marketing loan apparatus.

What has happened is that the marketing loan has worked; and as a result of its working, today you do not have to go into the marketing loan. The prices now are above it.

We have a similar situation with soybeans. If we enact a marketing loan, I believe that what will happen is that the other countries which are competitors will realize that U.S. soybean producers are going to be competitive. American competitivenes—which is now the word we hear so much about—will come forth; and as a result, since they have much higher cost of production, they say, "We can't go into the world markets and compete with American ingenuity; we therefore will start reducing our plantings."

To me, this is an opportunity that we can go forward with, with soybeans, to regain the world markets we formally had with soybeans, and it is a great opportunity for us to take advantage of the marketing loan.

We have gone through this and seen how it has worked with cotton, and I understand that it has had similar success in rice. I am not familiar with rice in all its programs. I have a general understanding of it. But we raise very little rice in my home State, and therefore I have not followed it as closely. But I understand that there is a similarity of success with the rice program.

Looking at this, it seems to me that we have an opportunity to move forward. We say, "Well, we are dealing with a disaster bill, and therefore we don't want to have a Christmas tree and we don't want to add things to it." Well, we are dealing with disaster, and we are dealing with the soybean disaster. The soybean disaster has not occurred in 6 months. It is not because of a 3-month drought. It is because of ill-conceived policy over a long period of time. Therefore, to me, this amendment on soybeans falls rightfully under the disaster label and should be include in this bill.

If we go back, we see the ill-conceived policy that has come about. At one time, soybeans were around $10 a bushel, for American-produced soybeans. Then we put an embargo on it, which was an ill-conceived idea, in the early 1970's. Then we have had the ill-conceived ideas of how we are going to encourage the Brazilian economy and the Argentinian economy in order to be sure that the loans that have been made by large banks are protected.

It was an ill-conceived idea and a disaster relative to soybeans in order that we might try to protect large banks and that we allow our State Department to come forth as they have.

So we are dealing with disasters—not a disaster that is caused by a drought of 2 or 3 months, but we are dealing with disasters that have occurred relative to ill-conceived plans dealing with soybeans, dating back beyond a decade, and which have carried forward to the present time.

So I say it is proper that soybeans be protected in a disaster bill. This is not a Christmas tree. It is something that is needed and has been needed for a long, long time.

Mr. President, I urge the Members of the Senate to consider this carefully, to consider the fact that we have a commodity that has problems, to consider the fact that a program has proved successful in other commodities, and let us move forward at this time to help solve this disaster program, which has not been just over a short period of time but has been in existence for a long period of time.

Mr. BOSCHWITZ. Mr. President, the American Soybean Association has written a letter to all Senators encouraging support for this amendment. The letter says, "This amendment has the total, unqualified support of the American Soybean Association."

The letter goes on to say, "The policies enacted in the 1985 farm bill are causing the export of the U.S. soybean industry abroad." Of course, that results from the fact that by utilizing the PIK certificates, the historic relationship between feed grains and soybeans has gone astray. Unless we do something to correct the price of soybeans, farmers will make a choice in providing rations to their animals that will not include soybeans.

The letter goes on to say, "Foreign soybean production has risen 14 million acres in the past several years, while U.S. acreage fell by an identical amount."

It is just that trend that we are seeking to end.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the American Soybean Association.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ASA WASHINGTON OFFICE,
Washington, DC, April 23, 1987.

DEAR SENATOR: Senate Rudy Boschwitz will today offer an amendment to H.R. 1157 to provide for a marketing loan for the 1987 through 1990 crops of soybeans. He will be joined in sponsoring the amendment by Senators Cochran, Pryor, Heflin, Danforth, Bond, Karnes, Burdick, McConnell, Grassley and others.

This amendment has the total, unqualified support of the American Soybean Association. ASA farmer leaders recently developed and unanimously support the soybean program "that provides a minimum annual $5.02 per bushel income support that avoids soybean stocks build-up and maintains market prices for U.S. soybeans at competitive levels."

The policies enacted in the 1985 farm bill are causing the export of the U.S. soybean industry abroad. The result is a devastating effect on the income of U.S. soybean farmers and processors. Lower loan rates for other crops, such as corn, established under

the 1985 law, have altered traditional cash price relationships between soybeans and other commodities. This is stimulating foreign soybean production undermining our international competitiveness and exporting our soybean industry overseas. Foreign soybean production has risen 14 million acres in the past several years, while U.S. acreage fell by an identical amount. Unless this situation is corrected by passage of the Boschwitz amendment, the U.S. is destined to see its domestic soybean production and export sales decline dramatically in the near future as foreign nations increase their production and exports in response to incentives provided by current U.S. policy.

The Boschwitz amendment resolves this competitiveness dilemma by establishing a soybean marketing loan program with minimum loan rates for soybeans at $5.02 per bushel for the 1987 crop with annual 5% reductions thereafter. Under a marketing loan, the farmer would repay the loan at the lower of the loan rate or the world price. It would allow U.S. soybeans to be priced at fully competitive levels with exports from foreign nations and restore traditional price relationships with other crops.

This amendment would allow the U.S. soybean industry to regain its historical export market shares and put pressure on our foreign competitors to scale back their production and exports. Most important, this amendment would support the income of soybean farmers in the difficult years ahead.

Sincerely,

WAYNE BENNETT,
First Vice President.

Mr. MELCHER. Mr. President, I spoke earlier on this amendment, but obviously it deserves a little more attention.

I really do not have any strong opposition to the concept of marketing loans for soybeans. I think we have to view it as it is today.

This amendment affects the 1987 crop, and we are well into the planting season for this year. It appears that it is really out of line to flip-flop when farmers are about halfway through their planting season, for the spring.

So I wish to put this in the right perspective. Not only have they been planting soybeans, they have been planting corn, and they have been planting other small grains. It fits into a pattern on farms as to how many acres they are going to have in one crop as compared to another.

I really hope that soybean farmers across this country have not gotten off their tractors today as this debate has been unfolding, have not left their tractor seats and left their equipment in the field and come into the house to turn on their TV sets and watch and listen to this debate.

The reason I hope that they have not done that is that I would judge they would have to be confused. First of all, this amendment is for this year. They already have their plans laid out and the fields ready and those that are not seeded in yet are going to be seeded in very shortly.

So this proposed change for this crop comes pretty late. That is one thing. Then the question is how much does it cost? We get confusing answers.

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. MELCHER. I yield.

Mr. BOSCHWITZ. I say to my friend from Montana that this is the first vehicle on which we have been able to offer this amendment this year that we need and are very anxious to bring up. We have no further legislation and we wished to make sure this bill came up so we could add this amendment. We have not delayed and as the Senator knows, the vast, vast majority of soybeans have not yet been planted.

Mr. MELCHER. I thank my friend from Minnesota.

I, too, have to keep my perspective. We do not produce soybeans in Montana. Of course, they do in Minnesota and I can understand his interest in this matter.

It is rather confusing on the basis of cost. CBO has a figure. The administration has some figure they have not produced in their letter they sent up to Chairman LEAHY. But they have some figure and it is pretty large.

Second, what would be the result on the soybean market? That is what all soybean farmers would want to know. The Department of Agriculture has a rather bleak picture as described in this letter to Chairman LEAHY on what would be the result and it is all negative. They do not hold back. They view it as a real disaster to try to change the plans right now at this particular time to affect the 1987 crop.

There is real confusion on it. The farmers are used to that. So if they are watching, it will not surprise them that there is some confusion here in Washington. Here on this Senate floor we have no idea what the cost or what the effect would be, what would be the price fall, what is the overall effect on a crop and farming in general all across the country.

But I think even farmers believe there should be some limit on the confusion that we have here. In the futures trading in Chicago or Kansas City, or wherever futures are traded, they have that term "pit," like the wheat pit. That is where the people are trading in wheat futures. They gather around and there is mass confusion. It is hard to follow.

For a novice it is even hard to understand what they are doing. But there is a corn pit, a cattle pit. I suppose there is a soybean pit where these futures are traded. And what does that mean? It means that people are betting on what the price is going to be for those specific commodities in the future. You have bidding, someone buying and someone selling, and they are just betting on what the price is going to be.

The biggest pit of all is right here. This Senate and our colleagues over in the other body are betting on what the price is going to be.

The Senator from Minnesota in offering this amendment on soybeans has clearly and accurately, I believe, reflected on the relationship of the price of corn and feedgrains and its effect on soybeans.

So, what is that? Well, in general when corn prices are down soybean prices are down.

The Senator from Minnesota accurately portrayed yesterday that because there is too much corn the corn prices are down. Soybean prices are not quite low enough in order to get sales abroad, so we should have a lower price on soybeans. This is what this would bring about. That is the reason for making this amendment.

So, let us hear from the Department of Agriculture. What do they say? I have already read that key paragraph of the Department of Agriculture letter to Chairman LEAHY, and I will not repeat it.

But the effect is that the administration says no, no, no. That is what that letter says. In fact, the letter even ridicules the idea. Reading that paragraph and digesting it on soybeans, I presume mostly because it would have some effect on the soybeans that have already been produced or are already under loan, already in surplus stocks, makes it clear that it is a pretty tough letter ridiculing the idea. They just cut this amendment to ribbons. In fact they are pretty mean. They say that it is gimmickry on the basis of how the cost would be offset.

It is a pretty harsh term that pits this Republican administration against the amendment of a stalwart and distinguished Republican Senator from Minnesota.

I would suggest and humbly suggest that the Republican Senators who are interested in this amendment might write a letter back to the Department of Agriculture, and the administration, and draw it to the attention of the President and just emphatically suggest to them why not get rid of this surplus that overhangs the market, and drives the price of corn and soybeans down.

The amendment of the Senator from Minnesota would allow the price of soybeans to get lower. The price is too low for these commodities principally because the surplus overhangs the market.

Why not get rid of the surplus, move it out?

How? Use the export programs that we have enacted into law.

They allow the Department of Agriculture and allow the administration to cut the price. We do not need any amendment to do that. They already have that authority to cut the price.

The Senator from Minnesota, I think, understands just as well as I do what authority they have to do that. Why do they not use it? Why do they not move this stuff out? It costs a lot of money to keep it in storage. It does not do any good just sitting there. Why just sit on it?

They always talk about cash sales. I am talking about cash sales right now. I am talking along the same track that this amendment does. This would mandate them to use the authority they already have. Does this body on the opposite side of the aisle have some special influence over this administration? I would hope so. I would expect that maybe it has not been used enough. Maybe the strong letter by the administration against the amendment has not been responded to in kind yet.

Maybe they will say, "Where is the need? Who wants it?"

Well, Mr. President, there are a lot of people around the world who want it. They either want it at a reduced price that they can pay, or, if they cannot pay for it, they would accept it as a donation.

I cannot believe that very many people swallow this line that nobody needs it, nobody wants the food. The facts are different. That concept that nobody needs it or nobody wants it is a crazy concept. Most of the population of the world is underfed and undernourished. Most of the developing countries, because they have such high rates of unemployment, such stagnant economies—well, maybe stagnant is too modern a term—such slumping economies, most developing countries simply cannot spend much to get the food that their people need.

I just say this: Ask them what they need. Ask them what they need and can utilize.

Mr. President, saying get rid of the surplus, move it out, is not some wild idea. It is what those farmers on those tractors all across this country say. It is what those business people in agribusiness also across this country say. Those who understand what surplus commodities and storage mean both in cost for the Treasury and in cost for producers and their businesses agree. Understanding that, they all say the same, "Move out the surplus. Get rid of it."

That is the kind of letter that ought to be given back to the Department of Agriculture in response to their letter. That is the kind of word that should be given to the State Department in response to their negative attitudes on moving out surplus commodities. That is the word that ought to go to the President.

It is a matter of utmost importance that the entire Cabinet, the entire White House, and the President himself understand what is needed here in relationship to the price of commodities.

Producers and farmers have had enough of these low prices. They have had enough of the inactivity of not moving out surplus commodities. I do not believe this amendment should get anywhere today. I believe perhaps the concept is right for soybeans to have a marketing loan, but I do not believe it is right to just bring it right out in about the middle of planting season and say, "Here it is, a new program."

We would be better advised to really consult with the people and put it together right, figuring out how it is going to be paid for and think about the 1988 crop. I think that is about the best we can do in regard to soybeans and the marketing of that commodity.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. ADAMS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I am shortly going to raise a 303(a) point of order against this amendment. I do not yet do so because I see the Senator from Minnesota on his feet and I suspect he has something more he wants to say. I know of some other Senators who were going to speak but have decided not to speak. I just want to notify my colleagues I am going to shortly do that. But I do not want to preclude the chance for the Senator from Minnesota to respond.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I accept the fact that the chairman will make a motion under section 303(a) of the Budget Act. I would like to answer briefly my friend and colleague from Montana.

Mr. President, I thank the Senator from Montana for calling me stalwart, distinguished, and all those things. Indeed, those words apply to him as well. It is interesting how times change because we now find my good friend from Montana making arguments that he perhaps would not have made last year, citing at great lengths letters from the Secretary of Agriculture and giving great credence to that letter where not long ago he took perhaps a different view, if I may suggest.

The Senator from Montana points out that he does not want to have a change in the program for soybeans in the midst of planting season.

I respectfully point out to him that the planting season has essentially not begun for soybeans and that the Secretary has until August 1 to announce what the loan will be on soybeans; that the Secretary really has not announced a program for this year anyway, so that we would be adding some substance and some certainty rather than uncertainty.

My good friend from Montana complains about the possible cost of this amendment and then he speaks so feelingly about just moving out the surplus, just getting rid of the surplus and he wants to give it away. That also has a cost attached to it and I would suggest with all due respect to my friend from Montana, the distinguished Senator, the stalwart, I might say, from Montana that the cost of this amendment will be substantially less.

Mr. MELCHER. Mr. President, will the Senator yield?

Mr. BOSCHWITZ. Yes, I yield to the Senator from Montana.

Mr. MELCHER. I thank my friend for yielding. Would not my friend agree that if the surplus of corn and the surplus of soybeans from last year's crop be reduced, the price for both commodities would have a tendency to go higher?

Mr. BOSCHWITZ. Yes; no question that the law of supply and demand does work in the marketplace and I do not contest that for a moment.

Mr. MELCHER. And, therefore, I take it my distinguished and stalwart friend is very much in agreement that the surplus commodities should be disposed of as rapidly as possible?

Mr. BOSCHWITZ. I say to my friend from Montana that I know that he is the principal adherent in the Senate to the section 416 program and that together with him I am one of the principal proponents of the Public Law 480 program. I certainly hope that we will be able to utilize both programs to their fullest and also various credit programs so that we can increase exports. I would say to him that the programs are all part of the solution.

But, report give-away programs have a cost, as he well knows, and so I only point out that in the event that you want to criticize the amendment on the basis of cost, it cannot be cured by taking an action that would have even a greater cost.

Mr. MELCHER. Will the Senator yield again?

Mr. BOSCHWITZ. Yield once again to my friend from Montana.

Mr. MELCHER. I thank my friend for yielding. I do not want to leave anything taken for granted, but I am sure my friend agrees that if a price can come up from reduction of surplus commodities overhanging the market, that that brings down the cost out of the Treasury for deficiency payments, or for absorptions in this case of soybeans under loan.

Mr. BOSCHWITZ. I would point out to my friend from Montana that this amendment would give the Secretary the authority to make the so-called POP or loan deficiency that would thereby not allow any new soybeans to come under loan. The soybeans that

are going to be put under loan in 1987 at a minimum of $4.77, which when taken together with the interest on the 9-month loan could effectively have about a $5 price, is going to bring about a good deal of additional production abroad particularly in Argentina and Brazil which have the climate to produce soybeans. Therefore, there may be a large surrender of beans to CCC and we will find ourselves in exactly the position that the Senator from Montana does not want to put us in. I agree with him that we do not want to have yet a new mountain of surplus commodities, soybeans in this event, that we would have to contend with. They will overhang the market to use his term, a term that I, too, have used on numerous occasions. And that would create a continuing, and exacerbate the continuance, of the problem with respect to soybeans.

It is our effort to try to avoid that situation just as has been done with cotton and rice in part through the use of a marketing loan.

Mr. President, I would say to the distinguished chairman that I see that the senior Senator from Nebraska wishes to speak.

Mr. LEAHY. If the Senator would yield, the Senator from Nebraska [Mr. EXON], says he wants to speak and I know the Senator from Indiana wishes to speak again.

Mr. BOSCHWITZ. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank the Chair.

Mr. President, I have looked with keen interest at the amendment offered by the Senator from Minnesota and others. And while I recognize and realize that our soybean producers have not been essentially a part of the farm program in the past, I recognize that they are in deep difficulty today and, therefore, I would look at the marketing loan concept, which is the heart and soul of the proposal offered by the Senator from Minnesota, as one that we should consider.

I am merely here on the floor of the U.S. Senate today to offer a word of caution. The word of caution is simply this: The main reason for the measure before us is for some wheat disaster payments that should have been included in the original bill and was not. Therefore, this is a corrective piece of legislation that I understand has general support, probably near unanimous support, on each side of the aisle. And, therefore, I think it is important that we move this through and get that oversight corrected.

The chairman and the ranking member thereof of the Agriculture Committee are in opposition to the amendment proposed by the Senator from Minnesota. I would simply say: Are we making a mistake by trying to correct what has to be corrected sometime this year, in the opinion of this Senator, and that is the very difficult situation that our soybean producers are in, are we making a mistake by piecemealing, piecemealing, if you will, Mr. President, corrections that are needed in the 1985 farm bill?

Now, there are some people on this floor that think the 1985 farm bill was a good one. I do not think it was good. I did not support it in the initial instance. And while there are some good parts of that bill, I think that the 1985 farm bill needs some major surgery.

I think that if we are going to have any chance at major surgery on the 1985 farm bill, this amendment and all other suggestions should be referred properly to the Agriculture Committee, led ably by the two managers of the bill that is before the Senate. I, of course, speak of the Senator from Vermont and the Senator from Indiana.

It seems to me that while we might not always agree as to what should or should not be done, basically, in agriculture, I still send the word of caution that this is an extremely complicated and complex field. And, as badly as I think the soybean producers need some help right now, I think that they could wait and allow the Agriculture Committee to come up with needed corrections—surgery, additions, call it what you will—to the 1985 farm bill after our Agriculture Committee has had a chance to assimilate all of the suggestions that are being made, including one for some marketing loan help for the soybean producers.

Therefore, I say, Mr. President, that I think that this is not the bill, this is not the time, and this is not the place to make the corrections that possibly should be made under the amendment offered by the Senator from Minnesota.

I think it would be much, much better and much wiser if we would take the advice of the chairman, the ranking minority member, and a real expert on agriculture, the man seated immediately next to me, Senator MELCHER, from Montana, and refer this and all other changes that should be made in the opinion of this Senator in the 1985 farm bill to the Agriculture Committee. The facts of the matter are that no hearings have been held on this matter. I am not saying that they necessarily have to be held. But if we are going to piecemeal corrections that this Senator feels are necessary in the 1985 farm bill with amendments being offered on this wheat proposition on the floor of the U.S. Senate, than I think we are not taking action in a judicious manner; I think we are not taking action in a manner that is appropriate to the major change that I think is necessary in the 1985 farm bill.

But, be that as it may, I would simply say, Mr. President, that I will oppose this amendment not necessarily because I do not think something like this is necessary but I believe that this should be referred to the Agriculture Committee, and that the needs of the soybean people should be looked at in the total context of the wheat people, the corn people, the cotton people, the cattle feeders, the hog producers, and all other livestock and grain or food and fiber producers that you could think of. I suspect that there are some other minor or major changes that have to be made in the 1985 farm bill.

If we start piecemealing, taking care of this group with an amendment here, and with that group with an amendment over here, without due consideration by the Agriculture Committee, and without their holding hearings that I think are necessary to get the total picture of changes that should be made, I think we would be giving up very early in this session of the 100th Congress any chance for the meaningful changes that myself and others feel are necessary in the 1985 farm bill.

Some might say, well, but you, the Senator from Nebraska, have stood on the floor from time to time and offered amendments. That is true. I have stood on the floor and offered amendments that I thought were critically necessary for agriculture. My friend from Montana, seated next to me, and this Senator stood on the floor not too many months ago and filibustered or minifilibustered, call it what you will. We were successful in extending, and maintaining the target prices on grains for the second-year period when it was only included in 1 year as the bill came out of the Agriculture Committee.

So, yes, we stood our ground. But that was the time and that was the place. That was the last train out of the station. We stood, we did what we thought was right, and the Senate went along with us. I simply say that the agriculture train is not leaving the station on this minor bill with regard to restoring the correction with regard to wheat disasters that should have been covered and was not in the original piece of legislation.

Therefore, Mr. President, I hope that the Senate will listen to those of us who have stood here on many occasions and fought hard representing the hard-pressed agriculture interests. Indeed, there is today, Mr. President, a depression in agriculture basically in my State. If it were not for the billions of dollars flowing into the farm programs in the Federal Government today, there would be an awful lot of farmers in much more trouble than they are right now.

So I would simply say that this is not the time to rush into this, as attractive as this amendment might sound, and with as much support I

might give it under other circumstances.

So I yield to the wisdom of the chairman, the ranking minority member, such members of the Agriculture Committee as Senator MELCHER and others, and I would hope that we would defeat this amendment and attack this problem more appropriately at another day when we can take a look at the whole picture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator has yielded the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Nebraska for his comments about the distinguished chairman and myself and the committee. Let me also mention that I appreciate very much the spirit of the distinguished Senator from Minnesota and the Senator from Nebraska, who gave excellent speeches on this subject today.

The marketing loan concept is not the issue before the Senate today. As others have pointed out marketing loans have been used in cotton and rice. It may be appropriate that the Secretary of Agriculture would want to use marketing loans for soybeans or other crops.

As has been pointed out by Senator HEFLIN of Alabama, authority is given the Secretary to use the marketing loan concept for soybeans. He believes that would benefit soybean farmers and benefit the country. So the marketing loan concept is not at issue, and clearly not at issue is whether the Senate wants to help soybean farmers. The Senate clearly wants to help soybean farmers. And the Senate would like to help farmers in each context.

Mr. President, because we perhaps are coming to a decision on the budget point, I just want to review quickly the merits of both the budget point and the total merits of the amendment. The merits of both budget point and the amendment really ought to be understood. The marketing loan idea being presented today comes down to the thought that as a soybean farmer, if I went to the U.S. Government with 100 bushels of soybeans that I did not want to send to the market, why would I not want to go to the market? Well, because I thought the price was too low.

So I go to the U.S. Government and under Senator BOSCHWITZ' plan I could get a $5.02-a-bushel loan using those soybeans as collateral.

Senator BOSCHWITZ' amendment suggests that I could repay that loan not at $5.02, but at whatever the market price might be, somewhere along the trail. The thought is clearly the market price would plummet. And it would, indeed. It would seek whatever the world level might be. We do not know how far down that might be. It might be quite a bit down, as Senators have pointed out. If other governments are subsidizing heavily, the price could decline further.

But as a farmer I could pay off that loan at some point in the marketing cycle at whatever that plummeted price might be.

How could this work? Who will pick up the difference? Obviously the difference will be picked up by the U.S. Government, by the taxpayers. The taxpayers are already picking up a tab of perhaps $25 billion or $26 billion a year for the U.S. farm programs.

The initial estimate is that the first year of the Boschwitz' amendment another $1 billion of support would be required beyond that already in farm programs to pay for the soybean marketing loan program. Over a 4-year period of time the cost is estimated at $2 billion. No one knows whether that would be an adequate sum. As a matter of fact, we have usually underestimated the cost of each of these programs. In this particular case, because the loan that I could get from the Federal Government would be going up from $4.77 to $5.02, at the time the world price would be going down, the gap paid by taxpayers generally would increase.

Furthermore, the soybean program has a feature which is important to the soybean growers such as myself. There are no limits on the number of acres of soybeans I could plant. That is not true if I participated in the program as a corn farmer; I must set aside 20 percent of my historical acreage. Not so with soybeans. In the event that $5.02 becomes the loan rate, it might be a very strong incentive for me to go out to the back 40 and put in some more soybeans. I can very well imagine that many persons who have the ability, because of climate and soil, would do precisely that.

So at the very moment that we raise loan rates, which provides an incentive to produce more soybeans, the world price would clearly fall even further. Our production would become larger; our surpluses which we thought might disappear in this particular scheme, in my judgment, would become larger.

All of us should study the marketing loan concept for soybeans. In due course we shall in the Agriculture Committee. I am sure the distinguished chairman will have appropriate hearings at which people will want to think out and be heard on theoretically how this loan program might work. But, Mr. President, the immediate problem is this year.

Let me just reiterate the points that I think are pertinent. Foreign buyers of U.S. soybeans and soybean products will purchase only hand to mouth from now until the 1987 crop becomes available, because the 1987 crop under this new marketing loan would have very low prices. That means soybeans will be dead in the market, from April 23 onward, and the current prices will fall. They will fall very substantially for everybody who is now in the soybean market.

The South American crops that have not really entered the market in great numbers will certainly come in with a vengeance if this amendment passes because the need will be apparent to them to get rid of their soybeans fast, given the fact that very inexpensive American soybeans will be available in the coming year.

There would be an immediate price impact on 1986 crop soybeans, resulting in 1986 crop loan forfeitures and increased budget outlays. I doubt, Mr. President, a billion dollars will cover what is going to occur in the first year, let alone a 5-year period of time.

In short, Mr. President, I argue that prudence would dictate that we not, as has been pointed out by the distinguished Senator from Montana, take farmers off their tractors today, keep them riveted at their televisions waiting to see whether they ought to plant more acres of soybeans. I would say, Mr. President, that every bit of prudence dictates we not change the program in the middle of the stream. The idea may have some merits but certainly not now. All signs point to danger for soybean farmers if this amendment is enacted.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. LUGAR. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana has yielded the floor. The Senator from Vermont.

Mr. LEAHY. Mr. President, I note that the distinguished chairman of the Budget Committee is soon going to make a motion on this matter. I can only concur with what the Senator from Indiana has said. I would also stress—and he alluded to this in his statement—that we will look at this question, we will look at it in the committee. We have already begun to consider it in committee. We will continue to do so. It is not the last we are going to hear about a marketing loan for soybeans. However, this is a piece of disaster legislation. It is not an appropriate vehicle to make in effect a major rewrite of part of the 1985 farm bill. I hope, and I strongly urge, my colleagues on both sides of the aisle to reject this amendment, to consider the budget considerations, and to support the chairman of the Senate Budget Committee when he makes his anticipated motion. If we were to have this amendment on this piece of emergency legislation, there is no way in God's green Earth this legislation is ever going to become law.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I will be very brief. I see the chairman of the Budget Committee is on the floor. I wish to answer quickly some of the points that were made by my friend from Indiana. He pointed out that more soybean acreage might be planted. I would dispute that, Mr. President. That would mean corn acreage would have to be diverted to soybean production and certainly that is not very likely to occur. There is no set-aside, he says, in soybeans. That is correct. And there is no setside because there is no deficiency payment, and that has been the exchange over the years.

My good friend from Indiana says the South American crop is going to come on to the market with a vengeance. I do not know how he thinks it is going to come on to the market no matter what happens. They are going to come on to the market and they are going to sell their crop. In the event that the marketing loan would bring about a reduction in price—and at this point in the marketing year that is not by any means clear—it will indeed impact the South American producers quite heavily because they are reducing their production of wheat and corn and turning to soybeans. In the event the marketing loan is put into effect—and even if there is a drop in the world price—that will influence them not to increase their plantings of soybeans in the coming year.

The Senator from Indiana points out that there will be costs associated with the fact that there would be a lower repayment on the loan itself. On the other hand, if we allow present law to continue, it means that there will be a loan of $4.77 plus the interest brings it up to about $5, and there is no question that will bring about additional production, which means that there will be a large surrender to the CCC and as he points out and as others pointed out before, the estimates of cost have been way off the mark.

This amendment deals with sound economics. This amendment deals with not selling the beans to the Government as is likely to occur but, rather, bringing them out to the market where they should be. That is the purpose of the POP provision in this amendment. So that indeed we will not cause additional cost to the Government, that we will not cause additional storage cost, interest cost or have that crop overhanging the market.

I thank the chairman of the committee for his indulgence during this debate and also the ranking minority member.

Mr. McCONNELL. Mr. President, I am glad to be an original sponsor of this important legislation. I rise today along with my good friend from Minnesota, Senator BOSCHWITZ, to encourage my colleagues to approve this amendment, an amendment, I might note, with broad based, bipartisan support.

I think this proposal represents an idea whose time has come. For too long soybean growers have been forced to compete on world markets with a dropping loan rate at home, leaving them with no income protection. This amendment would rectify this serious situation.

By mandating a $5.02-loan rate for soybeans in 1987, and authorizing the Secretary to make loan deficiency payments, it allows soybean growers to operate under a de facto marketing loan. Soybean producers will be able to compete on world markets, while maintaining their incomes. To maintain American farmer's competitiveness, the loan rate is lowered marginally in the outyears to $4.77 in 1988, and $4.56 in 1989.

Some will contend that the cost of the provisions of this amendment is prohibitive—I think these cost arguments are exaggerated. The $500 million price-tag is predicated on a national average of $4.77 per bushel and a 2-billion bushel crop. Both of these are unlikely occurrences. Given the desperate situation that these farmers face, I think the benefits of enacting this amendment far outweigh whatever costs we might incur.

This amendment is strongly supported by the Kentucky Soybean Association, and I am glad to lend my support to the distinguished Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise in support of the Boschwitz-Cochran amendment and urge its immediate adoption. This amendment, which has garnered the bipartisan support of our colleagues from all across the country, is absolutely essential to the continued viability of our Nation's soybean and sunflower growers. Without its adoption we can anticipate further erosion of our soybean production capabilities as well as the closure of one of this Nation's few sunflower processing plants.

Earlier this spring I had an opportunity to meet with Minnesota soybean growers. They did not ask for anything extraordinary—a chance to be competitive in the international marketplace—a greater commitment from this administration to remove trade barriers abroad—the same level of price protection that other commodity groups enjoy. The amendment we bring before the Senate today is designed to partially address those concerns.

Mr. President, make no mistake about it, the needs of our soybean growers are very real and completely legitimate. When Congress passed the 1985 farm bill, we promised farmers we would protect their income during this turbulent transition to a market-oriented farm economy. For those who grow rice, cotton, corn, wheat, sugar beets or tobacco, the experience to-date seems to indicate that Congress has kept its promise. But the same cannot be said for our soybean and sunflower growers.

For example, in an attempt to be more competitive, Secretary Lyng has chosen to slash the soybean loan rate rather than implement a marketing loan for soybeans. A cut in the loan rate translates into an immediate cut in soybean farmers' income, a fact which is driving them out of beans. The results are obvious—our growers have decided it makes more sense not to plant soybeans than to plant them for $4.77 a bushel or $4.56 a bushel. Such a policy may make sense to someone who wants to further contract American agriculture, but to those of us who are from rural America and understand its pain, such a policy is shortsighted and insensitive.

Mr. President, change normally comes slowly, and certainly does not come easily in rural America, a fact which is borne out by the continued decline in farmers, farmland values, and farm related economic activity in Minnesota. But if it takes changes in the way we do business in this country to move our products abroad, let us find the least disruptive policy. For my part, I won't support a policy that gains market share by cutting farm income. Our farmers deserve better.

Anyone who was born, raised or spent any time in rural America knows how hard our farmers work. Even as we sit in our comfortable offices they are heading out into the fields. Odds are they will be working when we go to bed, and will probably be back out in the tractor before we awake.

And farmers understand the definition of commitment. Year after year they struggle to keep what their forefathers worked to develop. It takes real commitment for these hardworking souls to go back into the fields after being hailed, flooded or parched out, probably more than any politician or bureaucrat could know.

But the question must be asked, how many farmers must we lose in the name of this particular version of a market-oriented farm policy? I think we have lost more than enough. The empty store fronts in rural Minnesota testify to that.

Quite frankly, it will take time to regain markets. And its time for some people to understand that. They are so intent on beating our competitors and exporting our surpluses that slashing the standard of living in rural America by cutting farm program benefits has become their favorite tool. Well, I think it is time to try a different ap-

proach. I think it is time to try a soybean marketing loan.

Mr. President, Congress gave the Secretary of Agriculture discretionary authority in the 1985 farm bill to implement a marketing loan program for soybeans. If we did not think there was a need for that authority, Congress would not have done so. The Department's conscious decision not to use that authority has been detrimental to soybean growers. Rather than give the Department another opportunity to slash farm income, now is as good a time as any to mandate a marketing loan for beans.

I would be remiss if I did not point out the positive impact this amendment would have on the sunflower industry in northwestern Minnesota. Most people do not understand that, unlike other commodities, there is no price support program for sunflowers. As such, the growers and the industry are extremely vulnerable to domestic and international developments. The Department's recent change in the oat program illustrates this perfectly.

In a successful, though unexplainable effort to bring more oats into production, the Department of Agriculture unintentionally provided an incentive to shift acres out of sunflowers and into oats. The diversion was so large that the viability of a very important sunflower processing plant in my State was seriously jeopardized. In an attempt to correct the damage caused by the administration's decision, the amendment before us would establish a price support loan program for our sunflower growers. Without this provision, the sunflower industry in northwestern Minnesota will face a very bleak future.

My farmers do not want a handout—they want the same marketing loan option that other commodity growers have. The amendment has been drafted in such a way as to be Gramm-Rudman neutral, or very close to it. So the issue before the Senate is not one of busted budgets or welfare payments to corporate farmers. The issue is one of fairness, of equitable treatment of sunflower and soybean growers, of maintaining of farm income.

In conclusion, Mr. President, I want to take this opportunity to congratulate all those who worked so hard to put this package together. It is impossible to understate the importance of this amendment to thousands of Minnesota's soybean and sunflower growers. I urge my colleagues to keep that in mind as you cast this most important vote.

Mr. BOND. Mr. President, today I join my distinguished colleagues in offering this very important amendment to H.R. 1157. This amendment outlines a program under which U.S. soybean producers can reverse recent trends and once again become competitive in the world market. In addition, provisions are included for sunflowers and cottonseed oil which assure that the oil crops will maintain their historic price relationships. This amendment seeks to put us back in a position where export markets can be actively pursued while producers are able to maintain adequate levels of income support.

It is common knowledge that soybean farmers have been affected by the same problems in the 1980's that the rest of the agricultural sector has been plagued with—declining crop prices, falling land values, rising cost of credit, decreasing share of the world market, and an erosion of public support for agriculture. Soybeans, however, were shortchanged in the debate surrounding the Food Security Act of 1985 and as a result are now at a disadvantage both domestically and abroad. In fact, I believe that the current situation puts soybean producers in the worst possible position: prices are held above world market levels thus stimulating foreign production while the inability to respond to fluctuations in world market prices has resulted in unfair advantages for substitute commodities.

Mr. President, this inequity is of great concern throughout my home State of Missouri. In 1985, Missouri cash receipts for soybeans were ranked sixth in the Nation and No. 1 among the major commodities at $758 million. Missouri is also privileged to be the home of the world headquarters of the American Soybean Association.

But it is not just my State's farmers who are affected as soybeans are produced throughout the country. Last year approximately 500,000 farms produced 2 billion bushels of soybeans in 29 States. In fact, the 63 million acres of soybeans planted in 1985 were worth the combined values of wheat, cotton, and rice. The importance of maintaining export markets is illustrated by the fact that over 40 percent of U.S. soybeans are exported.

Over the last 6 years, Brazil and Argentina have reacted to U.S. soybean provisions by expanding acreage by more than 15 million acres. Over the same period, U.S. soybean acreage has fallen by 11 million acres and our share of the world soybean market has fallen from 83 to 74 percent. In 1979, the United States accounted for 37 percent of the world total vegetable oil trade, while Brazil and Argentina combined has less than 20 percent. By 1986, this relationship had been reversed and the South American's share approached 34 percent while the United States share dropped to 18 percent. Given these conditions, it is essential that the U.S. soybean industry be free to compete against the predatory trade practices exhibited throughout the world.

Mr. President, the U.S. soybean industry has proven a sincere commitment to retain its leadership position in the world market. Recent studies have shown that variable costs of production in the Corn Belt are up to 15 percent lower than those of Argentina and Brazil. Also, marketing costs associated with transportation to export terminals are significantly lower in the United States due to our highly developed infrastructure and United States soybean yields are consistently above those of Argentina or Brazil.

The amendment which we are offering today is one that will benefit not only producers but the Government as well. The implementation of a marketing loan will provide producer income support while encouraging competitiveness, thus encouraging commercial soybean sales in domestic and export markets. This in turn will discourage CCC ownership of soybeans. Export demand will increase as the result of competitively priced soybeans. As demand increases and prices strengthen, the option of loan forfeiture becomes less and less attractive. This reduces direct Government outlays as well as storage payments.

Mr. President and fellow colleagues, for the reasons I have just described, I urge your support of our amendment. This crucial legislation will correct the inequitable position which soybeans and sunflowers have been put in since the implementation of the Flood Security Act of 1985.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, on behalf of Senator DOMENICI and myself and pursuant to section 303(a) of the Budget Act, I do hereby raise a point of order against the Boschwitz-Cochran-Pryor sunflower marketing loan amendment. The amendment would provide new budget authority for fiscal year 1988 in the amount of $1.6 billion. Section 303(a) of the Budget Act prohibits consideration of an amendment which provides new budget authority for the fiscal year until the concurrent resolution on the budget for such fiscal year has been adopted. So, pursuant to 303(a), I do raise a point of order on the Boschwitz amendment.

The PRESIDING OFFICER. A point of order has been raised.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. I move to waive the Budget Act for consideration of this amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator has moved that there be a waiver. Is there a second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question occurs on the motion of the——

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Iowa seek recognition?

Mr. HARKIN. Yes, I do, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Thank you, Mr. President. I understand, Mr. President, this motion to waive is a debatable motion. I ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I had intended to take the floor prior to the distinguished Senator from Florida to raise some questions about the amendment offered by the Senator from Minnesota.

I have heard most if not all of the arguments on the floor, both pro and con, on this amendment. Obviously, what the Senator from Minnesota seeks to do is provide a market loan for soybeans for this crop year. Now, obviously there is a cost involved in that. What I am concerned about, if I could have the attention of the Senator from Minnesota.

Mr. BOSCHWITZ. I would say to my friend from Iowa it is the 1987 crop year. We are still in the 1986 crop year technically.

Mr. HARKIN. I mean the crop year for which they are planting soybeans right now, and some have already been planted in the South. The soybeans that will be harvested yet this calendar year. The Senator is correct; we are still in the 1986 crop year. What I am concerned about is how the Senator from Minnesota intends to offset the $2.3 billion cost of this amendment over the next 5 years. As I understand—and I would ask the Senator from Minnesota to correct me if I am wrong—the amendment of the Senator from Minnesota, he intended to offset this $2.3 billion cost by further asset sales from the Rural Development Insuance Fund. I ask the Senator from Minnesota if that is correct?

Mr. BOSCHWITZ. The Senator from Iowa is correct.

Mr. HARKIN. Mr. President, the Rural Development Insurance Fund loans are 40-year loans for the Farmers Home Administration sewer and water loan programs.

Mr. President, in my figuring, to offset the $2.3 billion cost over the next 5 years, we will need to sell about $4.5 billion of the remaining $5.2 billion in the current loan portfolio because of the discounting of the loans when they are sold. What that means, Mr. President, is that this will draw down on the RDIF Loan Program to below $1 billion.

My question to the Senator from Minnesota is this: What will be the effect on the sewer and water loan program over the next few years? As the Senator knows, in the absence of new appropriations, any new loans will have to be made from existing loan prepayments which, under his amendment, now will be only about $20 million a year, or about one-tenth of the current lending level.

So again I ask the Senator from Minnesota: What is going to be the effect on our small towns and communities in Iowa and Minnesota and all over the country if we only have one-tenth of the amount of money left to fund the sewer and water programs?

Many of these small towns and communities are crying out because they are mandated by EPA to meet effluent standards, or they do not have safe drinking water and want to have clean drinking water. Yet, we are taking the money out of that to fund for this 1 year the marketing loan for soybeans.

So, again I ask the Senator from Minnesota: What is going to be the effect on our small towns and communities?

Mr. BOSCHWITZ. It is my understanding—in response to the question of the Senator from Iowa—that the RDIF is not a revolving fund, so that the repayments made into the fund, as these loans mature over the years—and they are very long-term loans—do not replenish the funds. The funds, in the event they are going to be replenished, have to come out of the Treasury, in any event.

So if the Senator is concerned about that fund, I think his concern is misplaced. These loans have been sold in the past, and they are very sound loans. So that, other than the discounting of interest rates, they do not take very large discount beyond that. The Senator should not be concerned about the fund or the inability to have money to do the things he wants to do. They are not replenished by the repayments that are made on the preceding loans.

Mr. HARKIN. Can the Senator from Minnesota assure me and other Senators that this is not a destruction of the farmers' sewer and water loan program; that, in fact, we will continue to have the same levels that we have had in the past, because of the repayment of these loans, as we go forward for the next several years?

Mr. BOSCHWITZ. The Senator from Iowa knows and I know that I cannot speak for the Appropriations Committee, and we surely cannot project around here more than 20 minutes, much less oncoming years; so I cannot give the Senator any assurances. But the assurances are not weaker or stronger because of the sale of the loans. It does not make any difference.

Mr. HARKIN. I still make the point that basically what we are doing is salvaging one program, a very needed program, the sewer and water loan program, to pay for this.

We all know what we are facing next year and the year after and the year after, with Gramm-Rudman-Hollings. What is going to happen is that the cost of the sale of these assets——

Mr. BOSCHWITZ. If the Senator will yield, we are not salvaging the program. As I pointed out to the Senator, the problems are going to continue, and there will have to be new appropriations. It is not a revolving fund.

I respectfully say to the Senator from Iowa that if you allow the trend to continue, there will be more surrender to the Government with regard to soybeans. In any case, I respectfully disagree that we are salvaging the Rural Development Act, and as to whether the loans are necessary for rural sewers and other things, it is not related.

Mr. HARKIN. I would again respectfully disagree with the distinguished Senator from Minnesota.

I know what we are going to face, going into those next years. We are going to look back and say: "You took money out of RDIF, took money out of the sewer and water program, and because those loans will not be paid back, we will have to have new appropriations." We will be very hard pressed, under Gramm-Rudman-Hollings, to come up with that.

So, to pay for this 1-year shot for marketing loans for soybeans, we are going to be under the gun for the next 3, 4, or 5 years, I submit, on sewer and water loan programs for our small towns and communities, because we will not have those payments coming back in to offset the new loans.

Regardless of whether it is a revolving fund or not, the fact remains that that money is coming in. I am sure that on the balance sheet of the Budget Committee—I cannot speak authoritatively on this—it would be looked at as new loans going out, even though it will not be specifically a revolving fund. We will have to come up with new moneys.

I caution Senators that while those of us in rural areas might want to support something for soybean farmers, many of us representing small towns and communities may be facing hard times ahead for a very important sewer and water loan program, because that is where we are taking the money from.

Mr. COCHRAN. Mr. President, a major objective in developing new farm policy in 1985 was to improve the price competitiveness of agricultural commodities. As implemented for the cotton and rice programs, the marketing loan provision is proving to be very effective in increasing both domestic and export sales. This amendment requires the Secretary of Agriculture to

implement the marketing loan provision for the soybean program.

This amendment would allow soybean farmers to sell their crop for a competitive price based on world supply and demand, forcing foreign producers, or their governments, to do the same. Currently, Brazil, Argentina and other nations see they are virtually guaranteed a world price equal to, or with subsidies just under, the fixed U.S. loan rate. This price guarantee has encouraged world competitors to increase their production by 16 percent since 1979, while the United States reduced its production by 10 percent. Foreign soybean acreage has increased by 15 million acres since 1979, while U.S. farmers cut the same 15 million acres.

It is time to take steps to reverse this alarming trend, and send a signal to our foreign competitors that U.S. farmers are not going to be subsidized out of the soybean business. The marketing loan is an effective policy tool to address the price competitiveness issue in an international marketing environment. The cotton program provides an excellent example of the effectiveness of the marketing loan in increasing exports, raising commodity prices, and reducing Government stocks and costs.

As the 1986-87 cotton marketing year began, U.S. cotton stocks had increased to 9.3 million bales, the highest level since 1967. This represented a 5 million bale increase in one season, the largest single-season change in history except for 1937-38. Exports dropped to 1.9 million bales for the 1985-86 marketing year, and total offtake was the lowest of the century.

With the marketing loan in operation for the 1986-87 marketing year, exports are projected to be about 6.8 million bales, the second largest in 28 years and almost 350 percent higher than the previous year. Moreover, domestic mill use will exceed 7 million bales resulting in total offtake this marketing year of 13.8 million bales, the second largest in 20 years. With this offtake, carryover stocks will be about 5.5 million bales, a 41-percent reduction from the beginning level with no CCC owned bales.

Cotton program cost is declining also. After increasing to $2.2 billion for 1985-86, cotton program cost is estimated to decline to $1.8 billion for 1986-87, and is projected to continue declining and in 1990-91 to total only $210 million. And the National Cotton Council projects that these cost reductions will occur even though the acreage reduction requirement will likely be zero during the last 3 years of the farm bill.

Reduced government stocks and program costs are only some of the benefits of the marketing loan provision. The additional cotton moved into the market, about 4.6 million bales, produced significant returns for the economies of local communities throughout the Cotton Belt and Nation. According to a National Cotton Council study, an additional 4.6 million bales produced, processed, and sold would generate about $6 billion in economic activity associated with crop production, ginning, warehousing, shipping, merchandising, seed crushing, and textile processing.

Of course, these comparisons only partially reveal the economic returns from program expenditures that allow additional cotton to be marketed. Not included in the study are the purchases of such essential inputs as fertilizers, chemicals, seed, fuel, and equipment. No account was taken of additional wages for expanded labor requirements, nor of the downstream economic activity associated with the conversion of yarns and fabrics into apparel, home furnishings, and industrial textile products. And, finally, the numbers do not reflect the indirect economic activity made possible by this expanded cotton-related activity such as the purchase of automobiles, food, housing, entertainment, et cetera. The U.S. Department of Commerce suggests that every dollar of farm-related economic activity generates about $2.5 in general economic activity. The total impact, therefore, is great.

Mr. President, it is important, therefore, to adopt a program that will help assure a strong and growing soybean industry by developing and maintaining markets in order to secure the industry's maximum economic potential for the Nation's economy. The cotton marketing loan program is proving to be an effective strategy for improving the economy of rural towns and communities as well as the Nation by moving additional cotton into markets. This amendment requires a similar policy be adopted as the soybean program.

In conclusion, I recommend my colleagues vote for this amendment for two reasons: First, the marketing loan program has proven to be effective, and second, expenditures for a marketing loan program result in more than producer income support—they are an effective investment strategy for revitalizing rural America.

The PRESIDING OFFICER. The question occurs on the motion of the Senator from Minnesota to waive the point of order made by the Senator from Florida under section 303(a) of the Budget Act. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Utah [Mr. HATCH], the Senator from Oklahoma [Mr. NICKLES], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

I further announce that, if present and voting, the Senator from Utah [Mr. HATCH] would vote "nay."

The PRESIDING OFFICER (Mr. DASCHLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 63, as follows:

[Rollcall Vote No. 79 Leg.]

YEAS—33

Armstrong	Dole	McConnell
Bond	Durenberger	Mikulski
Boren	Ford	Pressler
Boschwitz	Fowler	Pryor
Breaux	Grassley	Sarbanes
Bumpers	Heflin	Sasser
Burdick	Johnston	Shelby
Cochran	Karnes	Symms
Conrad	Kasten	Thurmond
Danforth	McCain	Weicker
Dixon	McClure	Wilson

NAYS—63

Adams	Gramm	Murkowski
Baucus	Harkin	Nunn
Bentsen	Hatfield	Pell
Bingaman	Hecht	Proxmire
Bradley	Heinz	Quayle
Byrd	Helms	Reid
Chafee	Hollings	Riegle
Chiles	Humphrey	Rockefeller
Cohen	Inouye	Roth
Cranston	Kassebaum	Rudman
D'Amato	Kennedy	Sanford
Daschle	Kerry	Simon
DeConcini	Lautenberg	Simpson
Dodd	Leahy	Specter
Domenici	Levin	Stafford
Evans	Lugar	Stennis
Exon	Matsunaga	Stevens
Garn	Melcher	Trible
Glenn	Metzenbaum	Wallop
Gore	Mitchell	Warner
Graham	Moynihan	Wirth

NOT VOTING—4

Biden	Nickles
Hatch	Packwood

So the motion was rejected.

(Later the following occurred:)

Mr. ROTH. Mr. President, on the last vote, I was recorded "yea." Due to a misunderstanding on my part, I thought I was voting to sustain the point of order. I should have voted "nay" on the motion to waive the point of order. I have discussed this with both the leader of the Democratic side, the majority leader, and the Republican leader. I ask unanimous consent that I be permitted to change my vote to "nay" and have it so recorded. I should also point out that this would not change the outcome of the vote.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. ROTH. I thank the leadership for their cooperation.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The amendment offered by the Senator from Minnesota will provide for new budget authority for fiscal year 1988 before the adoption of the concurrent resolution on the budget for that fiscal year and, therefore, is out of

order under section 303(a) of the Budget Act.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senate will be in order before the Senator proceeds. The Senator will suspend for just a moment.

The Senate will be in order.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I should note for my colleagues a couple of things. One, I am gratified by the vote because I think it emphasizes the point that the Senator from Indiana and I have been trying to make: we are going to try to get through the farm legislation within the budget, and we are going to reflect that in the nature of the farm legislation as it is brought on the floor. This vote gives us a strong backing for that from the Senate, and I express my appreciation to all my colleagues who backed that effort.

However, I know of the serious concern of the Senator from Minnesota and the Senator from Mississippi and others, I want to assure them this is not the last time we will hear about the marketing loan for soybeans. We have begun to consider it in committee. The Senate Committee on Agriculture, Nutrition, and Forestry will continue to do so. If they have people that they would like to have testify before the committee, I will be happy to make that possible for them. But this bill is not the appropriate vehicle. This bill is an emergency piece of legislation.

I should also note the committee will consider appropriate changes in the 1985 farm bill. I mention this for those Senators who may still be carrying around pocketfuls of amendments to this bill. We will look at these changes in scheduled hearings at the appropriate time.

A number of Members have expressed an interest in changes in particular sections of the 1985 farm bill. I would emphasize to all my colleagues on both sides of the aisle they will be given a forum to raise such changes, and they will be given an appropriate vehicle to consider these changes both in committee and on the floor. But not on this kind of legislation without hearings. This is not the time, and this is not the place to write a 1987 farm bill. But vehicles will be made available, and appropriate hearings will be made available to a number of Members.

The distinguished Presiding Officer and other Senators have raised questions about changes they would like to see. Such vehicles will be made available and we will carefully look at these issues.

Mr. HARKIN. Mr. President, will the distinguished Senator from Vermont yield?

Mr. LEAHY. I certainly will yield to the Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator for yielding. I want to again bring to the attention of the body that just prior to this vote I had engaged in a colloquy with the distinguished Senator from Minnesota. And I had spoken about my concerns about the amendments just voted on, that in fact what it did in my own term is salvage the rural development insurance fund which provides the money for sewer and water loans for small towns and communities to pay for the marketing loan provisions of the amendment. The Senator from Minnesota at that point had said that it was not a revolving fund.

In further checking with the general counsel's office at the Department of Agriculture and others at Farmers Home, I am now told that it is indeed a revolving fund, that it is a revolving fund, and that the Appropriations Committee, on which this Senator is a member, annually sets limits on how much of the revolving fund can be then loaned out for new sewer and water programs for that next fiscal year.

So it is indeed a revolving fund.

Again, I would point out that while I had a great deal of sympathy for the thrust of the amendment offered by the distinguished Senator from Minnesota, and while I know that a lot of soybean farmers in the Midwest support him on this amendment, that in good conscience I could not support it because of what it did to the countless small towns and communities in Iowa, and indeed all over the country who rely upon the sewer and water loan program to upgrade their standard of living for the residents of those small towns and communities.

I pointed out in my remarks prior to the vote that about $4.5 billion of the fund, $5.2 billion remaining, would have to be sold from the portfolio. That would reduce it down to less than $1 billion.

What that woud mean is that the Appropriations Committee would have been limited every year to about $20 billion of the money coming in to loan back out.

I would just point out that in the Senator's own State of Minnesota there are 36 applications pending for $25 million. Yet we only had $20 million for the whole United States.

So I believe the Senate acted correctly in not waiving the Budget Act, and indeed in not approving the amendment offered by the Senator from Minnesota.

Again, I would also hope, and I know that I can trust the word of the distinguished chairman of our Committee on Agriculture, that we will indeed be moving some legislation this year. And I am certain that this will be brought up in subcommittee and in full committee. We can debate it, and I am sure we will have another chance to address this issue on the floor of the Senate.

I would just hope that at that time we do not seek to take the money out of these very important revolving funds which are so important for our small towns and communities.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I would like to respond to the Senator from Iowa. Indeed, this is a revolving fund. There is no mistake in that. However, it is not the type of revolving fund as he has in mind. It is not a fund like the CCC where the principal repayment can thereupon be loaned out once again.

I was correct when I said just prior to the vote that there has to be an annual appropriation with respect to all direct loans that are made in this effort.

So that I, respectfully, say to my friend from Iowa that we were not salvaging it, that he is on the Appropriations Committee, he has the ability to see to it that adequate appropriations are made, and that any direct loans that are going to be made under this fund for the purposes that he has stated have to be appropriated each year.

While I was technically in error that this is indeed a revolving fund, nevertheless I was not mistaken that there does have to be an annual appropriation, that some revolving fund such that you can use the principal as it is repaid for new loans. This one requires an annual appropriation.

So we are not salvaging that account. It was not our intention to do so. We would not have used it as an offset for the amendment if that would have been the result.

I know my friend from Iowa is concerned about these things. I trust that he will be reassured by my statement.

I might tell you that, Mr. President, we have discussed it with both the Appropriations and the Budget Committees.

I yield the floor.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 162

(Purpose: To require the designation of certain lands as "wetlands" under the Water Bank Act)

Mr. DASCHLE. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment. The assistant legislative clerk read as follows:

The Senator from South Dakota (Mr. DASCHLE) proposes an amendment numbered 162.

At the end of the bill, add the following new section:

DESIGNATION OF CERTAIN LANDS AS WETLANDS UNDER WATER BANK ACT

SEC. —. The Secretary of Agriculture shall designate as "wetlands", for purposes of section 3 of the Water Bank Act (16 U.S.C. 1302), areas in the Kingsbury, Hamlin, Lake, Miner, Brookings, and Codington counties of the State of South Dakota that suffered from floods in 1986: *Provided, that,* notwithstanding the designation of such lands as wetlands total payments to owners and operators under the Water Bank Program for lands in the State of South Dakota shall not exceed $1,243,000 during fiscal year 1987.

Mr. DASCHLE. Mr. President, I rise to offer a technical clarification of the Water Bank Act. This clarification, while modest in scope, will have an important positive affect on a flood-stricken group of landowners in east central South Dakota.

East central South Dakota has experienced unusually heavy amounts of precipitation in recent years. Last year, the President declared the area a disaster and Lake Thompson, normally a small prairie pond, has swelled to the point that it now covers almost 18,000 acres of once productive farm land. The flooding problem continues into this year and many experts expect much of the farm land will be flooded for 10 years or more.

The silver lining in this cloud, however, is the prime wildlife habitat that has been created with the flooding of this farmland. Clearly much of the acreage flooded in this area would be an ideal location for the Department of Agriculture to lease from landowners under the Water Bank Program. Lake Thompson is situated along a main North American migratory flyway for a variety of species of ducks and geese. The vast lake, now the largest in South Dakota, is already a favorite location for waterfowl nesting, breeding, and feeding.

In addition to the trememdous opportunity we have to protect these wetlands for waterfowl habitat, the payments made to landowners under the Water Bank Program will provide a modest income for financially strapped farmers whose land will be flooded and useless for years to come. Enrollment of the flooded lands in the program will benefit the environment, the sportsman, and the farmer.

Despite the many benefits to the environment and beleaguered farmers associated with enrollment of these lands, the Department of Agriculture maintains that the Kingsbury land cannot be enrolled into the Water Bank Program. Local experts in the Water Bank Program maintain this land is eligible under the land classifications identified in water bank statute. No one can deny the benefits the enrollment of this land in the program will have on this important nesting area on the northern flyway for ducks and geese.

Notwithstanding the fact that this land meets the "wetlands" definition in the act, the Department of Agriculture officials in Washington, persist in issuing broad interpretations that indicated that the land will not be accepted into the program. Its own officials at the local level acknowledge that the land should qualify under the program, but Washington continues to block its enrollment.

Mr. President, my amendment is very simple. It simply says that this land, which clearly complies with the water bank definition of "wetland," ought to be allowed to enter into a water bank leasing agreement pending available funds. This amendment perhaps states the obvious, but it is clearly needed. Without it, it appears that the Secretary will continue to block wetlands from enrollment in the Water Bank Program. Clearly defined eligibility requirements were written into law. My amendment only seeks to reinforce the fact that the Secretary is to abide by those statutory requirements in the water bank law.

I urge the passage of this amendment so that flooded lands in east central South Dakota can be enrolled in the Water Bank Program.

Mr. PRESSLER and Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, let me, first of all, commend my colleagues for their leadership on this amendment and with this problem. I am happy to cosponsor this amendment and to say that I think it is a step in resolving a very unique and severe problem in our State.

This agricultural disaster relief bill is supposed to be directed toward unique situations such as we have experienced.

My colleague has very ably described the circumstances. So I will not repeat that. But as the Senate now knows from Senator DASCHLE's remarks, a large area in eastern South Dakota was declared a Presidential disaster area last year due to severe flooding. This has been especially true in Kingsbury County where over 15,000 acres of farmland have been flooded by Lake Thompson which has gone from a small lake to the largest lake in our State. It is a bizarre circumstance. As one who has driven through that area all my life, I find it hard to believe that it has happened as it has.

Several farms have been flooded entirely and dozens of other farms are partially under water. Due to the topography of the area, this water cannot be drained. Hydrologists look at it, and various experts, say it cannot be drained.

As a result, much of this land will remain flooded for 10 years or more. To deal with this problem, we have been working for several months to allow farmers to enroll this land in the water Bank Program. Unfortunately, USDA said the land is not eligible for the Water Bank Program.

All this amendment does is make this flooded land eligible for the Water Bank Program. It will not increase the cost of the Water Bank Program but will just allow these farmers to try to have their land enrolled in the program.

So, Mr. President, in conclusion I am happy to join with my colleague, Senator DASCHLE, in this amendment. We are discussing a disaster bill today. Farmers in the area who have had their entire farm flooded for possibly 10 years certainly have suffered a disaster. This amendment allows us to address the issue for 10 years rather than coming back year after year asking for disaster assistance. Mr. President, I urge my colleagues to support this amendment.

Mr. LEAHY. Mr. President, I believe the amendment is a good one. Naturally, when it raised the question of wetlands, we looked at it carefully. It does not change the definition of the term wetlands under the Water Bank Act. It does not change the eligibility criteria under which lands are considered for water bank contracts. Instead, it requires the Secretary to use the authority which he now has under section 3 of the Water Bank Act to designate certain lands with wetland characteristics as wetlands. It is a narrow amendment. It resolves a specific problem relating to flooding in South Dakota.

The distinguished Senator from South Dakota [Mr. DASCHLE] spoke with me about this. I know of the matter he raises. Senator PRESSLER has also just referred to their particular areas of South Dakota. It is a narrowly defined amendment. I have no objection to it. I think it is a good one. I support it.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that a letter from George S. Dunlop, Assistant Secretary for Natural Resources and Environment of USDA, be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC.

Hon. TOM DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: Thank you for your letter concerning the enrollment of flooded lands in Kingsbury County, South Dakota, under the Water Bank Program (WBP).

We appreciate the problem that landowners are experiencing with the flooding in Kingsbury County. However, the flooded land that you are referring to would not qualify as eligible wetlands under the WBP. The Water Bank Act provides for Type 1 through Type 7 wetlands as eligible for the WBP. We understand the flooded land was formerly cropland and pasture land and would not meet the criteria for determining inland fresh wetland areas (Type 1 through Type 7) as described in Circular 39, Wetlands of the United States, published by the U.S. Department of the Interior. Congress would have to amend the Water Bank Act to have this land included in the program.

Your interest in the WBP is appreciated.

Sincerely,

GEORGE S. DUNLOP,
Assistant Secretary,
Natural Resources and Environment.

Mr. LUGAR. Mr. President, the USDA had some qualms about this amendment, and for this reason I appreciate very much the cooperation of Senator DASCHLE and Senator PRESSLER in working through an amendment which—I would agree with the distinguished chairman of the Agriculture Committee—fits the policy purposes of the wetlands program and puts a limit on the potential for expenditures as a result of this particular amendment. The language added: "*provided that,* notwithstanding the designation of such lands as wetlands, total payments to owners and operators under the water bank program for lands in the State of South Dakota shall not exceed $1,243,000 during fiscal year 1987," I think is important to accomplish this purpose. Further, I agree that this amendment deals with a situation that does fit the general context of a natural disaster—land under water due to flooding—and that the farmers want to at least be given an opportunity to see whether their land fits the program requirements at the national level. For these reasons we support the amendment.

Mr. DASCHLE. Mr. President, I rise to express my gratitude to the ranking member and the chairman for their support and their cooperation. They have been immensely helpful in trying to resolve the issue. I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate. If not, the question is on agreeing to the amendment.

The amendment (No. 162) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 163

(Purpose: To require the Secretary of Agriculture to appoint a panel to conduct a study on the cost effectiveness of ethanol production)

Mr. DOLE. Mr. President, I have two amendments which have been given to the managers of the bill. They do not cost any money. They are study amendments. The first one I will offer will be an ethanol cost-effectiveness study. There has been one study done by the USDA, showing a rather distorted view because the study was done solely by USDA. Under this amendment there would be other representatives who would be part of a seven-member panel that would make the study: feedgrain producers, feedgrain processors, members of associations involved in the production and marketing of ethanol, and other industry or university-related authorities. The panel would consist of four members representative of the ethanol industry, and then two of the remaining three members shall be employed by the Federal Government. I believe this seven-member panel would present a more objective study.

We outline what the panel shall review: assess the economics and cost of production factors, assess ethanol technology, assess the economic impact on U.S. agriculture, analyze the tradeoffs, analyze the effect on the agriculture economy resulting from increasing levels of ethanol production and the impact fuel ethanol production has on agriculture prices. And we set a date for submission of a report not later than 90 days from the date of enactment. They shall report back to the House and the Senate Committees on Agriculture. So I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 163.

Mr. DOLE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

ETHANOL COST EFFECTIVENESS STUDY

SEC. . (a) The Secretary of Agriculture shall establish a panel to conduct a study of the cost effectiveness of ethanol production.

(b) The panel shall consist of 7 members appointed by the Secretary, of which—

(1) 4 members shall be persons who are representatives of:

(A) feed grain producers;

(B) feed grain processors;

(C) members of associations involved in the production and marketing of ethanol; and

(D) other related industries or institutions of higher education, or both; and

(2) no more than 2 of the remaining 3 members shall be employees of the Federal government.

(c) The panel shall—

(1) review and assess the economics and cost of production factors involved in the manufacture of ethanol in modern ethanol production facilities;

(2) assess ethanol technology, production, and marketing advances that have enabled the ethanol industry to grow rapidly since the inception of the industry in 1980;

(3) assess the economic impact on United States agriculture from fuel ethanol production from United States agricultural commodities;

(4) review and analyze the tradeoffs between Federal production and marketing incentives for fuel ethanol and other agricultural programs designed to enhance farm income and control agricultural production;

(5) analyze the effect on the agricultural economy resulting from increasing levels of ethanol production, including increased employment, increased tax receipts, expanded economic activity, export potential of residual products, and net costs or savings;

(6) provide an analysis of the impact fuel ethanol production has on agricultural prices and farm income; and

(7) analyze the effect of increased ethanol production on the balance of trade, energy security, and air quality in the United States.

(d) Not later than 90 days after the date of enactment of this Act, the panel shall submit a report describing the results of the study to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Secretary of Agriculture.

Mr. LEAHY. Mr. President, I have seen the ethanol cost-effectiveness study and I have heard the comments of the distinguished Republican leader in this regard. The study raises some good points, and I have no objection to the amendment.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend the distinguished Republican leader for a most constructive amendment. I think the information to be garnered by this panel will be very useful to all of us who are deeply interested in the ethanol situation. On this side, we accept the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that the name of the Senator from Iowa [Mr. GRASSLEY] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 163) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 153—CORRECTION

Mr. LEAHY. Mr. President, I ask unanimous consent that in amendment No. 153, which was passed on Wednesday, April 22, in sections 4 and 5 of that amendment, the citations 103AC(c)(1)(B) and 101AC(c)(1)(B) be corrected to read 103A(c)(1)(B) and 101A(c)(1)(B), respectively.

I know this is exciting. [Laughter.]

Mr. President, this is simply to correct an error in the citation that appears in that amendment.

The PRESIDING OFFICER. The Chair will not attempt to repeat that. [Laughter.]

Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 164

(Purpose: To require the Secretary of Agriculture to submit a report to Congress if a marketing loan program is not established for the 1987 crop of wheat, feed grains, and soybeans.)

Mr. DOLE. Mr. President, the second amendment I offer is another study amendment, because I want to make sure the USDA understands that we are concerned about marketing loans for soybeans, feed grains, wheat, and other commodities which are not covered in the 1985 Farm Act. We have been discussing this with the Secretary of Agriculture and others in the Department of Agriculture.

This amendment would require the Secretary of Agriculture to issue a report to the House and Senate Agriculture Committees by July 1, explaining why he has not implemented a marketing loan for wheat, feed grains and soybeans, if he has not used his existing discretionary authority to do so.

The report would require an analysis of the costs compared to the current program and ask for an anlaysis of the effectiveness of the marketing loan programs for cotton and rice.

The Secretary would be required to explain what any expected differences would be between the effectiveness of a marketing loan for cotton and rice and a possible marketing loan for wheat, feed grains and soybeans.

The report also requires the Secretary to analyze whether the generic certificate program result in the same effect for grain export pricing as would be achieved through a marketing loan.

BACKGROUND

Mr. President, many of us feel a marketing loan for wheat, feed grains and soybeans would make these commodities immediately competitive in world markets. The Secretary has authority to implement a marketing loan for these commodities, but has decided against using this authority.

The cotton and rice programs have a marketing loan in place and exports of these commodities have picked up dramatically. If there is a reason why a marketing loan would not be as effective for other commodities then we would like an analysis explaining why this would be so.

We are also asking for an analysis of whether an aggressive use of the PIK Certificate Program could have the same effect for grain export pricing as using a marketing loan.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 164.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

MARKETING LOAN REPORT

SEC. ? . If a marketing loan program is not established for the 1987 crop of wheat, feed grains, and soybeans under sections 107D(a)(5), 105C(a)(4), and 201(i)(3) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(a)(5), 1444e(c)(4), and 1446(i)(3)) before the date of enactment of this Act, the Secretary of Agriculture, no later than July 1, 1987, shall submit to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that contains—

(1) a statement of the reasons for not establishing marketing loan programs for the 1987 crop of wheat, feed grains, and soybeans;

(2) and comparison of—

(A) the cost of the price support and production control programs for the 1987 crop of wheat, feed grains, and soybeans; and

(B) the cost of such programs if such marketing loan programs were established;

(3) an analysis of the effectiveness of the existing marketing loan programs for cotton and rice;

(4) and comparison of—

(A) the effectiveness of the current marketing loan programs for cotton and rice; and

(B) the effectiveness of marketing loan programs that could be established by the Secretary for wheat, feed grains, and soybeans; and

(5) an analysis of whether the generic certificate program established by the Secretary produces the same effect on the price of exported grain as would be achieved by establishing marketing loan programs.

Mr. DOLE. Mr. President, I ask unanimous consent that the name of the Senator from Mississippi [Mr. COCHRAN] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have no objection to the amendment.

Mr. LUGAR. Mr. President, during the long discussion we have had today about the marketing loan concept, many Senators have indicated that this may have validity with regard to crops other than cotton and rice. The marketing loans for cotton and rice were described by the distinguished Senator from Mississippi as very successful programs.

Criteria as to what constitutes a successful program for farmers, for the infrastructure of agriculture, for consumers, and for world trade are not clear cut for all Senators at this time. I commend the distinguished Republican leader for getting to the heart of the matter and requesting study of a number of possible areas for which Senators will want information. This subject will be revisited by the Senate Agriculture Committee. Hopefully, Senators will have this information before them before we become involved in a serious debate involving billions of dollars in the agricultural economy in the future.

I accept the amendment.

Mr. DOLE. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Iowa [Mr. GRASSLEY] be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 164) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 165

(Purpose: To establish a soybean loan deficiency payment program and a sunflower price support program)

Mr. CONRAD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Dakota (Mr. CONRAD), for himself, Mr. DOLE, and Mr. BURDICK, proposes an amendment number 165.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SUNFLOWER PRICE SUPPORT PROGRAM

SEC. . Effective for the 1987 through 1990 crops of sunflowers, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) in the first sentence, by inserting "sunflowers," after "soybeans,"; and

(2) by adding at the end thereof the following new subsection:

"(l)(1) The Secretary may support the price of sunflowers through loans and purchases for each of the 1987 through 1990 crops of sunflowers at such level as the Secretary determines will take into account the historical price relationship between sunflowers and soybeans, the prevailing loan level for soybeans, and the historical oil content of sunflowers and soybeans, except the level of loans and purchases may not be less than 8½ cents per pound.

"(2)(A) The Secretary may permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for sunflowers, as determined by the Secretary.

"(B) If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflowers; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflowers.

"(3) If producers are permitted to repay loans for a crop of soybeans under subsection (i) at a level that is less than the full amount of the loan, the Secretary shall—

"(A) make loans and purchases available for the crop of sunflowers in accordance with paragraph (1); and

"(B) permit producers to repay loans for the crop in accordance with paragraph (2).

"(4)(A) The Secretary may, for each of the 1987 through 1990 crops of sunflowers, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forgo obtaining such loan or agreement in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) the loan payment rate; by

"(ii) the quantity of sunflowers the producer is eligible to plant under loan.

"(C) For purposes of this paragraph, the loan payment rate shall be not less than the amount by which—

"(i) the loan level determined for such crop under paragraph (1); exceeds

"(ii) the level at which a loan may be repaid under this subsection.

"(D) At the option of the Secretary, payments to a producer under this paragraph shall be made in the form of cash or negotiable certificates redeemable for any agricultural commodity owned by the Corporation, or any combination thereof.

"(5) For purposes of this subsection, the marketing year of sunflowers shall be prescribed by the Secretary by regulation.

"(6)(A) The Secretary shall make a preliminary announcement of the level of price support for sunflowers for a marketing year not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) The Secretary shall make a final announcement of such level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. Such final level of support may not be announced later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(7) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for sunflowers or any other commodity as a condition of eligibility for price support for sunflowers.".

Mr. CONRAD. Mr. President, this is a very simple amendment. It is a protective amendment. It is an amendment that provides discretionary authority for the Secretary of Agriculture to establish a marketing loan program for the 1987-90 crops. But, more important, it requires that if the Secretary would exercise his discretion to invoke a marketing loan program for soybeans that he do the same thing for sunflowers.

Sunflower growers have never had, nor in the past wanted, a sunflower program. However, the current world price situation in the edible oils markets and the potential for Federal Government action to completely destroy the sunflower industry in the United States requires standby authority. And that is precisely what this is, it is a standby authority.

Since 1981, acreage planted to sunflowers has declined from 5.9 to 1.9 million acres in the country, a decline of nearly 70 percent.

This is the minimum level at which a domestic sunflower industry can survive. I want to emphasize that. We are now at the minimum acreage for the sunflower industry in the country to survive.

It is possible that the Secretary of Agriculture will initiate a marketing loan program for soybeans. I think it is unlikely but it is possible.

The pressure for such action stems from the rapid erosion of the competitive position of U.S. producers in soybean markets. Initiating a market loan would restore our market position and reduce the cost of the loan program for soybeans in the long run.

However, while such a program would guarantee soybean growers a reasonable price, it would push the world price of edible oils down, slashing sunflower oil prices, and driving the domestic sunflower industry into bankruptcy.

This amendment requires no budget outlays. Only in the event that a soybean marketing loan is implemented would there be some cost.

The bottom line is that our amendment is designed to protect an industry which is important to our State and other States.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this is a no-cost amendment. I understand it is purely defensive, partly triggered by the debate we have had today. It would answer questions of the Secretary's intent in the future in this area.

I have no objection to the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the distinguished Senator from North Dakota's amendment draws attention to the fact that changes in one crop may bring about changes for other crops. In the case of sunflowers, the marketing loan for soybeans would have disastrous consequences without some defensive mechanism. We perceive this amendment to be a purely defensive option. It points out the fact that the Secretary of Agriculture, under current law, has the authority to institute a marketing loan for soybeans. The amendment would provide equity between those two groups.

For that reason, we are prepared to support the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 165) was agreed to.

Mr. CONRAD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WIRTH. Mr. President, we can all appreciate the hard toll last year's natural disasters took on our Nation's agricultural producers. If we had a vital, vigorous agriculture economy, farmers and ranchers might survive hail and other natural catastrophes. But it has been a long time since the farming sector has had a healthy year, and without Federal assistance many of Colorado's growers would have been faced with imminent bankruptcy following my State's own natural disaster.

Colorado was not spared last summer's rash of natural disasters. As I mentioned yesterday, April 22, in debate on the floor, during the first week of August, three hailstorms pounded the counties of Weld, Larimer, Logan, and Boulder, causing more than $24.3 million in crop damage. The following weekend, I visited with farmers in this area and was

astounded at the competitiveness of the destruction—I walked through corn fields in which the crop had been so severely damaged that it was unrecognizable.

I believe last year's Congress acted responsibly in enacting legislation which provided $400 million in partial relief from the hail, flood, drought, and heat losses suffered by America's farmers and ranchers. This assistance was certainly not overly generous, replacing only losses in excess of 50 percent of a farmer's total production. And it was made less generous when the costs of the program exceeded last year's appropriation by $135 million—reducing farmer's assistance to 37 cents for every dollar lost to natural catastrophes.

In the past, I understand that the beneficiaries of the disaster payment program have been primarily producers of program crops—those crops eligible to receive price and income support from the Department of Agriculture. However, the program enacted for the 1986 producers also included provisions giving assistance to the nonprogram crop producer—an unusual but welcome addition, and for which many Colorado producers are deeply appreciative.

However, it seems to me that one group of producers was inadvertently excluded from receiving disaster assistance. These are those farmers who grow program crops—such as corn or wheat—but who have chosen not to participate in the Federal price support programs.

These producers are not less deserving of disaster assistance than the grower of speciality crops and vegetables. In Colorado, many of the producers in the hail-damaged area grew corn to use as feed for livestock—as you may know, cattle is an important industry for my State. These farmers experienced just as much destruction from last August's hailstorm as did their neighbors who grew vegetables or participated in the Federal price-income support programs.

I believe that this is a problem which needs to be examined further. I respectfully request that the Agriculture Committee look into this problem and propose solutions which I hope we could act on in the near future.

Mr. LEAHY. Mr. President, I am sympathetic to the concern of the Senator from Colorado for his feed grain producers whose crops were seriously damaged by hailstorms last year. It is always my wish to help farmers who were affected by natural disaster.

The Senator from Colorado is correct in pointing out that many of the farmers who received benefits from last year's disaster program were producers on nonprogram crops. However, that leads to another important point: There were no programs in which those producers could participate.

As the Senator from Colorado knows, there are programs for feed grains producers. These programs have been established for many years. Feed grains producers in the State of Colorado have every right and opportunity to participate in that program. They also have every right not to participate.

I fear that rewarding producers who do not participate in the farm programs—even though they have suffered unfortunate crop losses—with the same benefits conferred on program participants would be very bad policy—especially in these very difficult times.

I think it would be useful, however to explore with the Senator of Colorado whether his livestock producers who grow their own grain for feed could get some relief from USDA through an emergency feed program. USDA has broad authority to administer such a program. I would be happy to work with the Senator from Colorado on this matter.

Mr. President, I think that we are very—I almost hate to say this—I think there is a strong possibility that we are near completion of this bill. There are a couple of other points.

Unless someone else seeks recognition, I was just going to suggest the absence of a quorum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 166

(Purpose: To revise the basis for computation of emergency compensation for the 1986 crop of feed grains and to require that the compensation be payable in the form of negotiable certificates)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] for himself and Mr. GRASSLEY proposes an amendment numbered 166.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

EMERGENCY COMPENSATION FOR 1986 CROP OF FEED GRAINS

Section 105C(c)(1)(D) of the Agricultural Act of 1949 (7 U.S.C. 1444e(c)(1)(D)) is amended—

(1) in clause (ii), by striking out "marketing year for such crop" and inserting in lieu thereof "first 5 months of the marketing year for the 1986 crop and the marketing year for each of the 1987 through 1990 crops."; and

(2) by adding at the end thereof the following new clause:

"(iii) Notwithstanding any other provision of law, established price payments for the 1986 crop of feed grains under this subparagraph shall be payable in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.".

FEED GRAIN DEFICIENCY PAYMENTS

Mr. DOLE. Mr. President, Senators GRASSLEY, KARNES, and I are offering an amendment to make the final portion of the 1986 feedgrain deficiency payments immediately available. Advancing feedgrain payments will allow producers to receive money now when spring credit needs are greatest, instead of in October, as established in the 1985 farm bill.

The 1985 farm bill mandates feedgrain deficiency payments to be calculated by subtracting the difference between the target price and the season average price. This means for the 1986 corn crop, final deficiency payments would not be made until October 1987 since feedgrain producers are on a September to August marketing year.

The method established in this amendment would calculate feedgrain deficiency payments for the 1986 crop on a 5-month weighted average price, as was the case prior to the passage of the 1985 farm bill.

A HELPFUL CHANGE

Mr. President, I would underscore that this change in the method of calculating feedgrain deficiency payments will provide producers with $2.7 billion in income payments during spring planting, when credit needs will be greatest. The proposal has no impact on overall Government outlays since the feedgrain deficiency payments will be made regardless of whether payments are made now or in October. We are simply trying to advance the money to the farmer sooner—the amount would be the same but he would have it sooner.

DEFICIT IMPACT

Some of my colleagues may raise the concern that the amendment would raise the 1987 budget deficit by $2.7 billion since the funds are being transferred from fiscal year 1988 into fiscal year 1987. I would simply state this is a unique situation since the amendment would also decrease the fiscal year 1988 budget deficit by the same amount. In effect, there is no increase in Government spending over a 2-year period and adoption of the amendment would be a significant help to many cash-strapped farmers.

EQUITY

This change would also ensure equity between commodity programs

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since Congress did pass similar legislation prior to adjournment of the 99th session for wheat. Congress made the change for wheat since the level of the deficiency payment was known to be the difference between the target price and the adjusted loan rate. The same situation now exists for feed grains. We should not discriminate against feed grains simply because they have a different growing season.

CONCLUSION

Mr. President, this is a one-time change that will be important to corn and other feedgrain producers.

Mr. DOLE. Mr. President, let me indicate that this would advance the final portion of the 1986 deficiency payment for feed grains instead of delaying to October 1.

I have already indicated to the managers it is fairly obvious from the previous vote that we are not going to succeed because even though we are talking about whether it happens during this fiscal year or the next fiscal year, we are charged with the cost.

I would say to the credit of my distinguished colleague from Iowa, Senator GRASSLEY, I do not know how many hours he met with CBO and USDA and other officials for the last 3 days trying to figure out some way to help the farmer and at the same time get by the budget point of order.

I think we have so far been unable to resolve that rather sticky problem.

It would seem to me at this point rather than to offer the amendment, to have the debate, and since we probably know what the outcome is going to be because we are talking about increasing the fiscal year 1987 deficit, it is fairly obvious we are not going to get a favorable vote and probably should not under those circumstances.

But in checking with the House, I am advised that there may be a House bill coming over to do precisely the same thing. It may be subject to the same point of order in the House. It may not pass the House, but if it comes over then we will be back to revisit this and obviously the Senator from Iowa and others could amend other Senate bills as they are brought up whether it is in the supplemental or some other bill.

Let me indicate that I do not intend to pursue the amendment at this time. Others may wish to pursue the amendment. I do not intend to pursue the amendment.

This is a matter of concern to many farmers. This would help a lot of farmers save on interest costs and, in cases where they cannot borrow money, would permit them to have the money at an earlier date. It would be of immeasurable benefit not just to farmers but to rural communities throughout the Midwest.

Having said that and having had the experience of vote counting around here for a while, I withdraw the amendment.

I thank both the managers for their patience and willingness to try to help us work out some way around the budget problem, but as yet, we have not been able to do that. We will continue to pursue that effort and it may be my colleague from Iowa will want to comment on his efforts.

Mr. GRASSLEY. Mr. President, the issue is simple. Only trying to find a way of solving a simple issue around here does not turn out to be so simple, particularly under Gramm-Rudman.

But all we did in 1986, before the announcement of the farm program in deciding how the deficiency payment would be paid for various feedgrain programs, we put off the last payment into October 1987 so it would be charged against fiscal year 1988.

Now, why did we do that? We did that, quite frankly, so it would be easier for us to get to Gramm-Rudman targets for the fiscal year we are in, 1987.

Now, it is not going to cost taxpayers any more whether or not this money is paid out after October 1 or whether it is paid out sometime before September 30 of this year. But the way CBO is costing these things, they are saying that there is a cost to this. The people in the USDA are saying that there is no cost. So for several hours yesterday and today, we have been working with CBO and USDA people trying to figure out how there could be a cost to this thing, and we could not get a resolution of it so that we could come before this body and not be subject to the waiver or even to a violation of our own commitment to the people of staying within the Gramm-Rudman targets that we have committed ourselves to.

But I think we ought to understand that Gramm-Rudman is all done in 1990 or 1991, whenever it is, the adoption of this amendment today would not end up costing the taxpayers one more penny than it otherwise would.

So, as Senator DOLE said, as we discuss this issue right this very minute on the floor of this body, the Agriculture Committee of the other body is considering doing exactly the same thing. Now, it is also my understanding that they are running into the same problems we do of how do you cost this out so it is not charged as a future deficit to 1987, even though long term there is not one more penny cost to the taxpayers.

I would suggest that, as far as I am concerned, even after hours of conversation with CBO and USDA not being able to resolve this, I am not satisfied that there is not a solution to it. I hope for one or two things, either on another vehicle on the floor of this body we can offer this amendment and have it not be subject to a point of order, or that by the time the House provision gets over here we will have it worked out.

But I think we ought to all understand that this is not an attempt to put more money in the pockets of the farmers of the United States, because in the final analysis it is not going to put one more penny in the pockets of farmers, except it is going to allow $2 billion-plus that would be paid on October 1 to be paid a little earlier. And within just a few weeks, we are going to be discussing here the Farm Credit System problems that are before us. There is a general problem with a large percentage of the farmers getting the operating capital that they need. And this sort of money being advanced now at this point for a large percentage of the farmers at least in the upper Middle West would solve a considerable amount of credit problems that we have. So I hope we can work this out in the future. I compliment Senator DOLE for bringing the issue before this body at this time.

Mr. LEAHY. Mr. President, the Senator from Kansas and the Senator from Iowa raise an important issue. I have discussed it with them. We discussed it yesterday and again today. As the Senator from Iowa has just said, hours were spent on both days in trying to work out an appropriate procedure.

The Senator from Kansas, who is certainly one of the most knowledgeable Members of this body on what may or may not pass, has pointed out that as an amendment to this bill the amendment would not in all likelihood pass. This does not mean that we should not examine this issue.

But the Senator from Kansas is absolutely right in raising the issue as is the Senator from Iowa. We will continue to look at this issue. It is a matter of concern to me as chairman of the committee. We will continue to look at it and determine whether in a different form, and on a different bill, it may be an appropriate matter to come before the body. I will certainly pledge to both Senators that I will work with them any way I can to look at this issue.

I do appreciate their consideration, both of the Senate and of this particular bill, in offering and then withdrawing the amendment. It is a great help to all of us. I want them to know that it is a matter of concern to me and that I will work with them to address the issues that have been very properly raised here on the floor.

Mr. LUGAR. Mr. President, I wish to join the chairman in expressing appreciation to the distinguished Republican leader and to Senator GRASSLEY for raising this issue. My own recollection is that, at the time of the consideration of the 1985 farm bill, we came near the end of conference with a cost estimated to be about $55 billion over

3 years. That figure pales in comparision with what the actual costs are going to be if they are $25 billion a year over 3 years.

Nevertheless, there was an attempt in the farm bill conference to cut the total cost of the farm bill by $3 billion during the first 3 years. One of the methods adopted was to delay the timing of deficiency payments.

The money is owed to farmers. The Senator from Iowa has stated that correctly. The payments will have an impact in his State and my State and other States that have a large number of corn farmers, with regard to farm credit and the agricultural infrastructure.

But I appreciate the fact that the distinguished Senators have carefully studied this problem and decided to withdraw this amendment so that the Senate Agriculture Committee and the House Agriculture Committee may consider its impact.

The problem that the managers of this bill have faced is the potential for the introduction of costly, major amendments to a very narrow disaster bill. Due to the thoughtfulness of the distinguished Senators from Kansas and Iowa, we have averted that problem on an issue that must be revisited. I congratulate them for raising it and for giving us the opportunity to review the situation.

The PRESIDING OFFICER. The Republican leader has the right to withdraw the amendment. The amendment is still in order.

Mr. DOLE. I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. The Senator has that right. Without objection, the amendment is withdrawn.

Mr. DOMENICI. Mr. President, I do not want to delay things, but I want to tell the managers I am waiting for an analysis of an amendment that I was going to offer that I will not offer. So I will need about 3 or 4 minutes shortly to just give an analysis of what that amendment would have done. Obviously, in the outyears, it would have been subject to a point of order as I analyzed it myself, so clearly I would not have offered it.

While I wait for the explanation of my amendment, which will be here shortly, I do want to indicate for the RECORD, while I was not on the floor when the distinguished chairman of the Budget Committee, Senator CHILES, in his behalf and I believe he included my name as a joint movant with reference to the soybean amendment, indicated that he wanted to make a point of order that it violated the Budget Act, I clearly compliment him for that and do now indicate that I am pleased that it worked.

I am very pleased that the Senate overwhelmingly indicated that we do not want to add significant numbers of billions of dollars to this bill, in violation of the Budget Act and in violation of the budget resolution and all that comes with it.

I am sure that the result of that vote has caused a number of amendments, which would have done as much damage or more in terms of dollars to this year's budget and to the process, to not be offered. I think the Senate sent a very clear signal that they do not want to use this bill to add to the budget deficit, nor do they want to use it to significantly modify the farm program in terms of costs here and now on the floor at this time.

Mr. President, again I do not intend to delay much longer, but I do say to the managers that I do need another 4 or 5 minutes and I will return and make my statement.

Mr. LEAHY. If the Senator would yield, we also have, I think, one remaining technical amendment which is also going to take 2 or 3 minutes. I note that the Senator from New Mexico is not going to go forward with his amendment. I agree absolutely with his reasons for this. Once we take care of the technical amendment and have the comments from the Senator from New Mexico, I see no remaining business left and we would then be able to go to final passage.

I explained this for the benefit of Members who might have recently come into the Chamber.

I have not heard a request for the yeas and nays on final passage. Should anybody want them on this side, please let me know. But I do not know of any request, nor do I intend to ask for any.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO 167

(Purpose: To achieve uniformity in the computation of disaster payments for all commodities by basing the computation of peanut and soybean disaster acreage on 1986 planting)

Mr. LEAHY. Mr. President, I send an amendment to the desk on behalf of Mr. HEFLIN, Mr. BOREN, Mr. BUMPERS, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY), for himself, Mr. HEFLIN, Mr. BOREN, and Mr. BUMPERS, proposes an amendment numbered 167.

Mr. LEAHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, insert the following new section:

SUPPLEMENTAL PEANUT AND SOYBEAN PAYMENTS

SEC. 7. Section 633(B)(a)(5)(B)(ii) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in section 101(a) of Public Laws 99-500 and 99-591, is amended by adding at the end thereof a new sentence as follows: "Notwithstanding the preceding language of this clause with respect to the 1986 crops of peanuts and soybeans, with respect to producers of such commodities whose 1985 plantings were prevented or below normal levels because of rotation practices carried out by such producers, the limitation shall be based upon the historical plantings of such commodities as determined by the local committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S. 590h(b)): *Provided*, That the supplemental payments authorized by the enactment of this sentence may be made only to the extent such payments are provided for in advance in an appropriation Act: *Provided further*, That notwithstanding any other provision of Public Laws 99-500 and 99-591, applications for such payments shall be filed by May 31, 1987.".

On page 4, line 20, strike out "section 5" and insert in lieu thereof "sections 5, 6, and 7".

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator BUMPERS of Arkansas be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, this is an amendment that is offered by the distinguished Senator from Alabama [Mr. HEFLIN], and others noted, to correct again an inadvertent involvement with the peanut program caused by the inclusion of an earlier amendment.

Mr. BUMPERS. Mr. President, I am pleased to cosponsor this amendment and to have participated in its drafting. It will offer protection against inequitable treatment for certain soybean farmers who suffered losses due to natural disasters in 1986.

In 1987, many producers in Arkansas have attempted to qualify for disaster payments authorized in the continuing appropriations bill of late 1986. These were to be commodity certficate payments, not loans, to be made to producers who lost more than 50 percent of their crop due to drought, flood, or other natural disasters in 1986. Besides the 50 percent loss threshold, a producer had to be in a designated disaster county and had to grow of the eligible crops.

A curious provision in the law limited the amount of eligible soybean acres on which a loss could be claimed to no more than the acreage planted with the same crop in 1985. This particular rule was a prohibiting factor for many producers in Arkansas who

suffered sizeable losses in 1986, but who didn't plant soybeans in 1985. The ASCS in Arkansas estimates that 30 to 50 producers fell into this category.

In the northeastern part of my State, a very wet winter in 1984-85 prevented farmers from planting winter wheat. The loss of the wheat planting eliminated the wheat/soybean rotation normally practiced, and forced many farmers to plant milo as a compatible substitute. Also, many producers throughout eastern Arkansas switched to milo in 1985 as part of a necessary rotation for protection against cyst nematodes. Cyst nematodes are a major problem for soybeans in Arkansas, and milo can be used as an effective rotation crop because the farming practices and chemicals used are compatible and because milo is a nonhost plant for nematodes. However, in both examples, because of the 1985 rotation, the law prevented compensation for losses suffered in 1986 soybean crops.

Mr. President, it is simply not equitable to provide relief to a producer who grew soybeans in 1985 and deny that same relief to his neighbor who did not. Both suffered disasters. If a producer had been able to stay with the crop he grew in 1985, he would have gotten relief. Yet if he couldn't, even because of circumstances beyond his control, he was put into a different class and therefore denied relief.

This amendment will correct this inequity and allow 1986 disaster compensation for soybean producers whose 1985 plantings were below normal levels or totally prevented because of necessary rotation practices. I certainly believe this is a fair and necessary change, and I urge my colleagues to support the amendment.

Thank you, Mr. President.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are prepared to support this technical amendment on our side. We appreciate the careful draftsmanship of the amendment so that the acreage is determined on a historical basis as opposed to the problem of basing it on a specific year. Because of this careful draftsmanship, we are prepared to support the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Vermont [Mr. LEAHY].

The amendment (No. 167) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, what is now the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont is advised that, if there are no further amendments to be proposed, the Chair is prepared to consider the bill on third reading.

Mr. LEAHY. Regular order, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The bill was read the third time.

Mr. LEAHY. Mr. President, we have had third reading. Again, I should note it is not my intention to ask for a rollcall for final passage. But I understand that the distinguished Senator from New Mexico intends to speak on this bill. So we may want to hold debate open for him.

I note, Mr. President, that I am extremely grateful to the chief of staff of the Senate Agriculture Committee, Charles Riemenschneider, who has worked so hard on this bill. I am also extremely grateful to the general counsel of the Senate Agriculture Committee, John Podesta, and to Carolyn Brickey, Bob Young, Bill Gillon, Mary Dunbar, Ed Barron, Leslie Dach, and Chis Coffin, who each had to pitch in and work on some very significant parts of this bill. This process has been especially difficult as we have had a number of amendments that came up that had not been considered in committee.

They have, of course, been ably assisted by the Republican side of the committee, with staff chief Chuck Conner and counsel Tom Clark and others on the Republican side, who have worked very hard with them.

I should also note—and it is something that I have seen during 13 years in the Senate—that there is usually more bipartisan spirit displayed in these agricultural bills than in other types of legislation.

I note for the record my personal appreciation of the Senator from Indiana. Senator LUGAR and I have worked closely all the time he has been in the Senate on agriculture matters. It has been an association that I have appreciated. I am especially appreciative of his efforts in trying to get this piece of legislation passed. I think we have demonstrated to the Senate that we are very, very serious about having farm legislation come up that addresses the point it is intended to address. We will have appropriate hearings on other issues, many of which are of great concern, some of which will be hotly debated. But these issues will be brought up in the regular course of business. We will be able to tell the Senate that we will vote on legislation that reflects what it was intended to reflect. We will be able to tell the Senate that we will not rewrite major farm bills on the floor of the Senate; and, that we will conduct our business in the appropriate fashion through the committee in hearings and then bring the bills to the floor. I appreciate very much my good friend from Indiana and his help in that regard.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I deeply appreciate the distinguished chairman mentioning the excellent staff work on his side of the aisle and paying tribute likewise to Chuck Conner. He is the staff director on our side. I would like to mention specifically by name Tom Clark, Charlie Oellermann, and Dave Johnson as those who did an exceptionally good job—as the chairman pointed out—in fielding a good number of amendments, and modified of course some amendments that might have been debilitating to this legislation.

Let me just point out again my appreciation to the chairman and remind him of the opportunity we had to work together when he was the chairman of the subcommittee on general legislation of the Agriculture Committee when he first came to the Senate. I was then the ranking member and working on CFTC and FIFRA legislation. In those days it offered us ample opportunity to deal with complex issues. I appreciate especially our association now and his chairmanship of this committee.

I think he has made an essential point that I would reiterate: At the time the farm legislation came to the floor of the Senate last year, and for that matter the year before that, there was a general expectation—"Katie bar the door"—that almost anything was fair game. The thought in fact was a very defensive one—that farm legislation should never come to the floor unless one anticipated a budgetary catastrophe or at least something veering out of control that was beyond the management of the bill or beyond the Senate's control.

I think that this situation is unfortunate for American agriculture. It just seems to me that the committee, in its consideration of the two pieces of legislation which have been debated before the Senate recently, narrowly defined the objectives of the bills and kept amendments within those bounds during committee consideration. We are now trying to persuade fellow Senators that the responsible way to handle agricultural legislation, as well as any other kind of legislation, is to take one issue at a time, with careful hearings, good background, and testimony.

This legislation we have considered in the last 2 days was widely predicted as a so-called vehicle on which tens of

amendments might be grafted. In fact, as we know, tens were drafted by legislative counsel, and offered to cover the whole gamut of American agriculture without proper consideration of their ramifications. I am grateful to my colleagues and to the chairman for steering this bill in a way in which it very narrowly focused on disaster relief, which was the intent of the bill. I am further grateful to the chairman for his assurances that many major problems that were not addressed today will in fact be taken up in the committee in due course after hearings and full debate. I thank the Chair.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have two matters. First, I think we are all aware of the Immigration Reform and Control Act as it relates to migrant workers and agriculture. Frankly, I am thoroughly amazed at the regulations that have just been promulgated with reference to what kind of agricultural activities are going to be covered by special agricultural workers and which are not, and they are very, very specific.

For instance, just thinking of one, according to the Department of Agriculture, harvesting Christmas trees is a migrant type of work but harvesting alfalfa is not. They are all over the waterfront. Frankly, I believe for many parts of this country and for many Senators who voted for the special agricultural worker exemption they are going to be amazed when they read those regulations and see that for many temporary farm-type activities, agriculture in the purest sense, these early promulgated rules are going to exclude them and include many others.

Now, I would have offered an amendment today to clarify it, but I think it is a little premature. I think many of us will communicate, I am sure many Senators will when they hear from their farm communities, about the distinctions without differences, the inclusions and the exclusions.

So I think maybe the Senator from New Mexico will just serve notice today to the Secretary that I really believe they ought to do some thinking about those regulations as to migrant worker availability and either be more general or, if they are going to be specific, start considering which parts of agriculture they are excluding that many clearly thought were included. That is one point, and I will not offer the amendment today.

Now, Mr. President, I do want to make a general comment about a portion of this bill as it pertains to budgeting because it never ceases to amaze me how we find new ways to pay for things. I think some expect new bookkeeping and new scoring mechanisms to perhaps make it easier to spend more money and yet not spend more money, if the Presiding Officer understands what I am saying.

So before we wind this bill up, I want to make a few points that relate to the budget and appropriations processes. I believe this discussion is both important and very relevant while we are dealing with this matter.

This bill does something that we never before did in Congress. It authorizes payments with PIK certificates that are subject to appropriations.

Now, we have paid people with PIK certificates. I think we all understand it is almost a new kind of currency. As a matter of fact, I think it is, indeed, part of the St. Louis exchange. They have some activities in PIK certificates, a new kind of market.

But let me repeat, we have never used PIK certificates to pay for something and then suggest that the PIK certificates would be appropriated when you consider their origin. Their origin is part of the Commodity Credit Corporation [CCC], which is an entitlement program.

I understand that these generic PIK certificates are very popular among the farm and agricultural industry, so popular, as I indicated, that they have evolved into their own new and growing form of currency.

It is not my purpose here to question this new form of currency. I think 8 or 9 months ago on the floor of the Senate one evening I reminded the Senate that we are going to get into some kind of big problem; we were paying for disaster relief that evening as I recall with PIK certificates. But I do have some concerns, and I want to make them very clear, that the appropriation of PIK certificates should be handled, in my opinion, just like any other discretionary appropriation. Since we are breaking new ground, I want my comments to be clear. I am not speaking now for the chairman of the Budget Committee, Chairman CHILES. I have not had a chance to go over this with him. But clearly in my mind when we get around to appropriating on this bill, so there will be no misunderstanding at least from my standpoint on how the appropriation of PIK certificates will be scored, I believe the appropriation of PIK certificates should be handled just like any other discretionary appropriation.

At first blush this bill, in the context of the budget, looks very good. That is, it is an authorization bill that is subject to appropriations.

Many might say, "Why should the Budget Committee not be very pleased with that. That is what you want. You do not want anything to be automatic. You want it to be appropriated. So this is an authorizing bill subject to appropriations."

In fact, some might say, "Isn't that the way the budget process wants it to be?" The answer is "Yes." The problem is that PIK certificates show up in the Commodity Credit Corporation [CCC] account, an account which is an entitlement and has its own very special scoring rules.

Mr. President, to fully explain I must first describe CCC scoring.

The CCC receives its farm price support funds from two sources: Authority to borrow from the Treasury up to a limit of $25 billion outstanding at any one time, and authority to enter into contracts up to any amount. These two sources are permanently available to CCC under substantive law without the need for any Appropriations Committee action. In any given fiscal year, the amount of usage from either or both sources makes up the budget authority level for the CCC.

It is important for CCC to have available enough borrowing authority—as opposed to contract authority—to cover its commitments.

Since the amount of borrowing authority available to the CCC is limited by law to $25 billion, it happens from time to time that the CCC does not have enough unencumbered borrowing authority to carry on its business. In that situation, the administration requests a "reimbursement for net realized losses" the effect of which is to free up borrowing authority so CCC can do its work while at the same time reducing the amount of contract authority CCC would have to use.

Thus, enactment of a reimbursement for net realized losses does nothing more than adjust the mix between borrowing authority and contract authority within the existing budget authority total.

For that reason, Mr. President, we do not score an appropriation to reimburse CCC for net realized losses as increasing the total budget authority level available to CCC. Only the mix of funds changes within the total. This means, of course, that outlays are not changed by such action. It also follows that no point of order would lie under section 311 for a reimbursement for net realized losses for the CCC.

Now to the issue at hand. If the appropriators fund a discretionary program—like the one authorized in this bill—by earmarking funds that are appropriated for CCC net realized losses, the additional discretionary spending is not counted.

This should not be the case. And the Senate should insist that discretionary spending, such as provided for in this bill, be offset.

I have an amendment that would have taken care of the problem of providing a funding offset for this bill. My amendment would have transferred funds from an account which

had already been appropriated money—the FmHA Emergency Disaster Loan Program. This amendment is a simple and straight forward way of paying for the additional spending authorized by this bill. It is probably the fastest and surest way of getting the assistance to those farmers who need it.

Because my amendment would transfer funds from a loan program to a direct payment program, there would be a small increase in out-year budget authority and outlays and, therefore, the amendment itself would be subject to a section 303 budget act point of order.

Because of this, I will not offer my amendment.

But I want everyone to be clear on this next point—especially the chairman and ranking members of the Appropriations Committee. When we eventually get around to appropriating these PIK certificates for this bill they will be scored as regular budget authority and outlays and must be offset or be subject to a budget act point of order.

Now, I want to close by saying it is my hope that we do not find another way to appropriate just because these are PIK certificates out of the CCC. I hope that we account for the cost of them just like we do other discretionary appropriated items. It may be funny money, as some people think, but it is real bucks. And it should be scored as such.

The issuance of PIK certificates cost real taxpayers' dollars. We issue these certificates called payment-in-kind certificates, and there is no way of getting around the fact that we give real money, real taxpayers' dollars. I hope that we do not use this to find another circuitous way of saying it really is not to be charged against the Appropriations Committee in the appropriations accounts.

Mr. LEAHY. Mr. President, I think that is it. I ask for final passage.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 1157), as amended, was passed.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I thank all my colleagues. I am pleased to say that this is now the second piece of agriculture legislation we have been able to pass in the past few weeks relatively unscathed, keeping within the parameters that the bill was originally designed. I hope the other body will accept the changes we have made. I am not going to ask for conferees to be appointed; the House may be able to accept it the way it is. If not, then we would seek conferees. Then I hope the President would sign it.

I do thank all my colleagues not only for their consideration but so many on both sides of the aisle who were willing to withhold amendments when they realized we were very serious about not allowing major changes in this bill.

Mr. LUGAR. Mr. President, I thank the chairman again for his leadership. I thank all Senators for their assistance. We are pleased with the outcome.

GEOTHERMAL ENERGY

Mr. HECHT. Mr. President, just before the Senate adjourned for the Easter recess I introduced S. 1006, a bill to promote the emerging geothermal energy industry in this country. The bill amends the Geothermal Steam Act of 1970 to allow companies that hold geothermal leases to retain those leases where temporary market conditions preclude powerplant construction.

I was gratified that a bipartisan group of Senators, who had cosponsored last year's version of this bill, agreed to join with me this year as original cosponsors of this legislation. I congratulate them on their interest in geothermal energy, and now I would like to invite the rest of my colleagues to consider cosponsoring this legislation.

Geothermal energy development is characterized by large front-end development costs, risky powerplant technology, and diligence requirements on Federal leases that are more stringent than the equivalent requirements for Federal oil and gas leases. The current temporary glut in the world energy market, and the temporary surplus in U.S. electrical power generating capacity, together threaten to undo much of the progress made by the geothermal energy industry over the last 15 years.

Mr. President, it would be very unwise for us to allow this to happen. Geothermal energy is renewable, it is clean, it reduces our need for foreign energy imports, and it protects our electric ratepayers from "rate-shock," because, by its very nature, it tends to be added to the rate base in relatively small increments of about 150 megawatts or less.

The national energy security study, which was recently released by the administration, points out that geothermal energy now contributes about 2,000 megawatts of electricity in the United States, but that this could double by 1995. We have a real opportunity, through this legislation, to assist this renewable energy industry in meeting that goal.

Last year's continuing resolution resolved a major side issue that has held up lease extension legislation for a number of years. This was the issue of providing protection for significant geothermal features in our national parks. The bill I introduced conforms that landmark park protection provision to a regulatory system involving the lease extensions provided under this same bill. With the park protection issue essentially resolved, I hope the Senate will be able to act favorably, and soon, on this legislation that is so important to our renewable energy industry.

Thank you, Mr. President. I yield the floor.

ORDER OF PROCEDURE

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me briefly?

Mr. DIXON. I am always delighted to yield to the distinguished majority leader.

Mr. BYRD. I thank the Senator.

Mr. President, I merely want to announce that we hope to proceed to the consideration of the star schools legislation momentarily. Until then, I ask unanimous consent that Senators may speak out of order and may introduce bills and resolutions, as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL TAX AMNESTY ACT—S. 254

Mr. DIXON. Mr. President, I rise today to address the pressing problem posed by the "tax gap." The tax gap, that is, the difference between the amount of taxes that would be collected if there was 100-percent compliance with our tax laws and the amount that is actually collected, is steadily increasing. The increasing awareness of this tax gap has contributed to the growing interest and support for tax amnesty legislation. Just the other day, the Maryland General Assembly passed a State tax amnesty bill. The State of Maryland expects that this measure will raise an additional $20 million in revenues.

The State of Maryland joins a number of other States—including Illinois, Massachusetts, New York, Connecticut, Kansas, Alabama, Texas, Missouri, Minnesota, North Dakota, New Mexico, Arizona, California, and Idaho, which have enacted, and in

many instances, already implemented tax amnesty programs.

Amnesty is a simple concept. It provides an opportunity for delinquent taxpayers to fully pay their overdue tax liability without being subject to criminal or civil prosecution. In Illinois, for example, the State collected approximately $150 million, far more than the Illinois Department of Revenue originally estimated. As a matter of fact, Mr. President, the State of Illinois Department of Revenue said that we would not raise more than $15 million in a tax amnesty program, and we raised over 10 times that much.

In addition, other States have also demonstrated impressive results. Over 130,000 delinquent taxpayers came forward in California and over $72 million was collected in Massachusetts.

The State programs were not giveaways: They did not reward tax cheaters. Rather, the State programs were balanced. Following the amnesty period, compliance efforts and penalties for noncompliance were increased. However, the State programs have resulted in placing additional taxpayers back on the rolls. These are additional revenues that the States would otherwise not have been able to collect.

It is true that Federal tax collection efforts are more sophisticated than those of the States. However, compliance with the Federal tax laws is declining. Today, almost one-fifth of the taxes legally owed and due the United States are currently not being collected. This tax gap amounts to roughly $100 billion a year, and it grows every year as the percentage of taxpayers who comply with our Nation's tax laws continues to fall. The Treasury Department has estimated that the tax gap was in excess of $92 billion in 1985, and it projects that this level could rise to between $386 to $473 billion by the turn of the century. Think of it: Almost a half-trillion dollars by the turn of the century.

Revenues from a tax amnesty/enforcement package can be utilized to help reduce our budget deficits. At the same time, these revenues can help preserve high-priority Federal programs that are currently facing drastic cuts or elimination. A tax amnesty/tougher enforcement program can help break the current budget gridlock by making it possible to comply with the Gramm-Rudman-Hollings deficit reduction targets while preserving our ability to meet both essential defense and domestic needs.

Congress has recognized the growing problems which undermine the voluntary compliance that our tax laws fundamentally depend upon. The Tax Reform Act contained a number of provisions designed to improve tax compliance. Indeed, incorporated in that bill was an attempt to deal with the interrelated problems of fairness, complexity, and noncompliance.

Perhaps the most crucial measure of the success of any tax reform is its impact on future compliance. If taxpayers believe the Tax Reform Act really simplifies the Tax Code and makes it fairer, then the slide in voluntary compliance levels may be reversed.

In my view, however, tax reform speaks only to future compliance. It fails to address the issue of collecting even some part of the billions and billions of dollars that the tax system lost in past collections. Neither will increased collection efforts by the IRS result in the payments of the vast majority of these outstanding delinquent balances.

It should not be assumed that there is no way to recover any part of the tax gap from prior years. The successful tax amnesty programs conducted by my own State of Illinois, as well as Massachusetts, California, New York, and other States have demonstrated the potential of this idea at the national level.

Early in this 100th session of Congress, I reintroduced S. 254, the Federal Tax Amnesty Delinquency Act. My bill establishes a 6-month amnesty period, to begin on July 1 after the bill is enacted. The amnesty period would cover all tax years through 1985 still subject to collection by the IRS.

The amnesty itself would be simple and straightforward. It would include amnesty from criminal and civil penalties and from 50 percent of any interest penalty owed. All Federal taxes would be covered by the amnesty, not just the Federal income tax.

I was greatly disappointed that the Tax Reform Act did not include a one-time amnesty provision. Amnesty and tax reform fit very well together. However, it is not too late to take advantage of the benefits of tax amnesty as we phase in the new tax reform. I urge my colleagues to carefully examine the amnesty concept. I remain confident that a thorough and fairminded review of this proposal will result in large, bipartisan support for such a program.

Mr. President, let me simply say in conclusion that as I make these remarks I see the majority leader standing there and shortly we are going to enter onto a very contentious period of time in this Senate concerning the adoption of a budget with dramatic differences between the two sides here in the Senate, differences between the two Houses, differences between the Congress and the President of the United States about how we ought to arrive at this budgetary problem. It is a very serious problem.

I would suggest to my colleagues—I note there are not many on the floor now, but I see my distinguished friend from the State of New York talking to the minority leader who is very interested in this and who has indicated that he wants to join me in this struggle—and I want to say to my friends that there is revenue to be had. I want them to listen to that. There is revenue to be had without taxation. My State, New York, Massachusetts, California, brought in much more money than they expected. Please listen to this. My State brought in 10 times what the department of revenue said would be brought in by tax amnesty.

Yet every time we discuss it we shrink from it here. We debated it a couple of times in the last several years and nothing was done. I am saying to you in a time when we have a budgetary problem beyond comprehension, when we have all these differences between the two great parties, differences between the Houses, differences between the Congress and the President of the United States, if we are ever going to try a thing like this, why do we not try it now? This is the opportunity to possibly bring in some revenue that would do the job to make up the difference of the shortfall that is impressed upon us by the requirements of the Gramm-Rudman-Hollings law and the things we want to do with defense spending and domestic needs.

I appeal, Mr. President, once again to my colleagues to consider this one more time, tax amnesty.

I am prepared to say it is my view that if we adopted a tax amnesty proposal it would bring into the Federal Government upwards to $20 to $25 billion in new revenue that is not now on the books and brings tens of thousands of taxpayers that are now unknown to the Government onto the rolls and I think it is worthwhile doing, and I know that IRS is against it. They have been continuously against it. I want to say, Mr. President, that the time to address this question has come.

I thank the President, and I thank my colleagues for their attention.

The PRESIDING OFFICER. The majority leader.

CALENDAR

Mr. BYRD. Mr. President, the distinguished Republican leader and I have discussed the following request. Both measures have been cleared. The Republican leader is here on the floor. I have reference to Calendar Order Nos. 90 and 100.

Mr. DOLE. Yes.

Mr. BYRD. Mr. President, with the distinguished Republican leader's acquiescence I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 90 and 100, that they both be considered having been read the second and third time and passed en bloc and that the motion to reconsider en bloc be laid on the table and that statements by Sena-

tors BRADLEY and LAUTENBERG be included in the RECORD in the appropriate place anent Calendar Order No. 90.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF CERTAIN STUDY RIVERS FOR INCLUSION IN THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

The bill (H.R. 14) to designate certain river segments in New Jersey as study rivers for potential inclusion in the National Wild and Scenic Rivers System was considered.

Mr. BRADLEY. Mr. President, this legislation the Senate is considering today is identical to a bill Senator LAUTENBERG and I introduced last Congress. Its purpose is to direct the Department of the Interior to study the potential addition of the Maurice River, the Menantico Creek, and the Manumuskin River in south New Jersey to the National Wild and Scenic Rivers System. Companion legislation was introduced by Congressman WILLIAM HUGHES in the House of Representatives. This legislation was very recently approved by the full House.

The National Wild and Scenic River Act, enacted in 1968, offered the first Federal protection for the Nation's rapidly disappearing network of free-flowing rivers and streams. This landmark law preserves selected rivers and river corridor landscapes which possess outstanding scenic, recreational, historic, and cultural values. I believe the Maurice, Manumuskin, and Menantico Rivers have just those kind of unique resources. As early as 1977, each of these rivers was recommended for inclusion in the national inventory of scenic rivers by the commissioner of the New Jersey Department of Environmental Protection.

The Maurice River has its headwaters in small tributaries in Gloucester and Salem Counties. In its progress toward the Delaware Bay, the river meanders through wooded and wetland terrain. As the river nears the bay, it widens and becomes tidal. The river winds in broad loops past the communities of Laurel, Port Elizabeth, Mauricetown, Dorchester, Leesburg, Shell Pike and Vivalre. The Menantico and Manumuskin Rivers also have a rich diversity, passing through fresh water wetlands, swamp forest, upland forest, and local communities.

These rivers host a variety of plant and animal life, including a number of threatened and endangered species. Additionally this river area is lauded as one of the finest for canoeing in the coastal region and is recognized for its pristine water quality.

Those who live in south New Jersey would like to assure that the rivers' water quality and recreational opportunities are maintained through sound planning and management. The Wild and Scenic Rivers Act would help provide this protection through the development of a management plan. The proposed study has the support of all the local municipalities and citizens, as the testimony today will make clear.

The Wild and Scenic Rivers Act has been successful in preserving a number of our Nation's free-flowing rivers. The Maurice, Menantico and Manumuskin Rivers are excellent candidates for the preservation and protection afforded by this act.

I thank my colleagues for their consideration of this important measure. I look forward to the Senate's consideration and approval of this legislation.

The bill (H.R. 14) was ordered to a third reading, read the third time, and passed.

ABANDONED MINE LAND RECLAMATION

The bill (H.R. 1963) to amend the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 per centum of the annual State funds from the Abandoned Mine Land Reclamation Fund for expenditure in the future for purposes of abandoned mine reclamation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CONGRESSIONAL BUDGET RESOLUTION—S. CON. RES. 50

Mr. BYRD. Mr. President, I have cleared this request with the Republican leader. I ask unanimous consent that on tomorrow I be authorized at any point to call up Calendar Order No. 94, Senate Concurrent Resolution 50.

The PRESIDING OFFICER (Mr. DIXON). Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, momentarily I would hope to bring up the star schools bill. We are waiting for the presence of some Senators who wish to be consulted before that measure is brought up.

In the meantime I ask unanimous consent that the Senators may speak out of order on that or any other subject and may offer bills and resolutions if necessary as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPREME COURT'S DECISION IN THE DEATH PENALTY CASE

Mr. KENNEDY. Mr. President, the Supreme Court's decision yesterday in the McCleskey capital punishment case is a sad day for justice in America, and is deeply troubling to all Americans committed to equal justice under law.

No civilized society can permit race to be taken into account in determining who shall live and who shall die. The statistics before the Court demonstrated beyond a reasonable doubt that, as Justice Brennan stated in dissent, "race casts a large shadow on the capital-sentencing process."

Perhaps the Court will reconsider its regrettable decision. If not, then it is up to Congress and the State legislatures to undo it—and perhaps that is the way it should be done in our democracy.

I do not regard past votes in Congress supporting capital punishment as dispositive of our ability to reverse this decision by legislation.

The struggle for racial justice has been one of the great transforming principles in our society and our history, and it is also capable of transforming the debate in Congress. The racism infecting our present system of capital punishment must end.

ORDER OF BUSINESS

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I hope we are able to get to the star schools bill. We are making an effort. We may not be able to get a time agreement, but at least we can get it up.

We have indicated to the distinguished Senator from North Carolina, Senator HELMS, who may wish to offer amendments that we are not about to enter any time agreement unless he agrees to it to protect everyone's right on amendments. We do hope we can at least bring the bill up to start working on it.

TRAILWAYS ABANDONMENT PROCEEDING

Mr. DOLE. Mr. President, today I have sent a letter to the Interstate Commerce Commission urging them to deny an appeal by Trailways bus system to abandon several routes that would otherwise result in a loss of bus service to nearly three dozen Kansas communities.

The ICC's decision will determine whether elderly Kansans receive medical care, whether businesses will be

able to receive necessary supplies to remain in business, and whether many rural hospitals will be able to receive life-saving medical supplies in time.

A recent decision made by the ICC ruled that even though Trailways had operated its routes in Missouri at a loss, the service could not be abandoned because no other public transportation was available for small towns along the line.

I urge the ICC to apply the same reasoning to the Trailways application that was used in the Missouri decision. I would hope you will disallow Trailways from abandoning any of its routes in Kansas by upholding the ruling of the Kansas Corporation Commission. I ask unanimous consent that the text of my letter to ICC Chairman Heather Gradison be printed in the RECORD.

There being no objection, the text of the letter was ordered to be printed in the RECORD, as follows:

Since federal deregulation of the bus industry first began in 1982, Kansas has lost all seven bus abandonment decisions apealed to your authority. These abandonments have been severe blows for the communities that were served, but the recent application by Trailways to abandon services to 35 Kansas communities will have even broader ramifications.

In many cases, (your decision) will determine whether elderly Kansans receive medical care, whether businesses will be able to receive necessary supplies to remain in business, and whether many rural hospitals will be able to receive life-saving medical supplies in time.

A recent decision made by your authority ruled that even though Trailways had operated its routes in Missouri at a loss, the service could not be abandoned because no other public transportation was available for small towns along the line.

I urge you to apply the same reasoning to the application filed by Trailways to terminate a significant portion of its routes in Kansas. I am encouraged by your recent (Missouri case) ruling, and hope you will uphold the Kansas Corporation Commission ruling to disallow Trailways from abandoning any of its routes in my home state.

STAR SCHOOLS PROGRAM ASSISTANCE ACT

Mr. DOLE. Mr. President, we have been in contact with the distinguished Senator from North Carolina, Senator HELMS. I am now able to proceed with the legislation on this side. I think Senator HELMS does make a point. As he said, he had some questions about the bill and wanted to be here, but he is also the ranking member on Foreign Relations. They are in a committee meeting, and it is pretty hard for him to be there and here. I just make the point, I know it is not by design or anything, it happens to be an extraordinary meeting of that committee so he does have some legitimate concern we could address if it should happen again. But he has granted permission to bring the bill up and to have a vote on it.

Mr. BYRD. Mr. President, I thank the Republican leader. I thank Mr. HELMS. In accordance with what the distinguished Republican leader has said, I ask unanimous consent that the Senate proceed to the consideration of Calender Order No. 85.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 778) to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Star Schools Program Assistance Act".

PROGRAM AUTHORIZED

SEC. 2. The Education for Economic Security Act is amended by adding at the end thereof the following new title:

"TITLE IX—STAR SCHOOLS PROGRAM

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Star Schools Program Assistance Act'.

"STATEMENT OF PURPOSE

"SEC. 902. It is the purpose of this title to encourage improved instruction in mathematics, science, and foreign languages through a star schools program under which demonstration grants are made to eligible telecommunications partnerships to enable such eligible telecommunications partnerships to develop, construct, and acquire telecommunications audio and visual facilities and equipment and obtain technical assistance for the use of such facilities.

"PROGRAM AUTHORIZED

"SEC. 903. (a) GENERAL AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment and for technical assistance.

"(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated $100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992.

"(2) No appropriation in excess of $60,000,000 may be made in any fiscal year pursuant to paragraph (1) of this subsection.

"(c) LIMITATIONS.—(1) A demonstration grant made to an eligible telecommunications partnership under this title may not exceed $20,000,000.

"(2) Not less than 50 percent of the funds available in any fiscal year under this Act shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981).

"ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS

"SEC. 904. (a) GENERAL RULE.—In order to be eligible for demonstration grants under this title, an eligible telecommunications partnership shall consist of—

"(1) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided by educational institutions, teacher training centers, health institutions, and industry, except that any such agency or corporation shall contain representation of the interests of elementary and secondary schools who are eligible to participate in the program under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981); or

"(2) a partnership which includes three or more of the following which will provide a telecommunications network:

"(A) a local educational agency, which has a significant number of elementary and secondary schools which are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981),

"(B) a State educational agency,

"(C) an institution of higher education,

"(D) a teacher training center, or

"(E)(i) a public agency with experience or expertise in the planning or operation of a telecommunications network,

"(ii) a private nonprofit organization with such experience, or

"(iii) a public broadcasting entity with such experience.

"(b) SPECIAL RULE.—An eligible telecommunications partnership must be organized on a statewide or multistate basis.

"APPLICATIONS

"SEC. 905. (a) APPLICATION REQUIRED.—Each eligible telecommunications partnership which desires to receive a demonstration grant under this title may submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall—

"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought which may include—

"(A) the design, development, construction, and acquisition of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to elementary and secondary school teachers (particularly teachers in schools receiving assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981)) in using the facilities and equipment for which assistance is sought; and

"(H) the development of educational programming for use on a telecommunications network;

"(2) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages;

"(3) describe the teacher training policies to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(4) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(5) provide assurances that a significant portion of the facilities, equipment, technical assistance, and programming for which assistance is sought will be made available to elementary and secondary schools of local educational agencies which have a high percentage of children counted for the purpose of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981);

"(6) describe the manner in which traditionally underserved students will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this Act; and

"(7) provide such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary shall, in approving applications under this title, give priority to applications which demonstrate that—

"(1) a concentration and quality of mathematics, science, and foreign language resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network;

"(3) the eligible telecommunications partnership will serve the broadest range of institutions, including public and private elementary and secondary schools (particularly schools having significant numbers of children counted for the purpose of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981)), programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities including the capability of training, retraining, and inservice upgrading of teaching skills;

"(6) the eligible telecommunications partnership will serve a multistate area; and

"(7) the eligible telecommunications partnership will, in providing services with assistance sought under this Act, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this title, the Secretary shall assure an equitable geographic distribution of grants.

"DISSEMINATION OF COURSES AND MATERIALS UNDER THE STAR SCHOOLS PROGRAM

"SEC. 906. (a) Each eligible telecommunications partnership awarded a grant under this Act shall report to the Secretary a listing and description of available courses of instruction and materials to be offered by educational institutions and teacher training centers which will be transmitted over satellite, specifying the satellite on which such transmission will occur and the time of such transmission.

"(b) The Secretary shall compile and prepare for dissemination a listing and description of available courses of instruction and materials to be offered by educational institutions and teacher training centers equipped with satellite transmission capabilities, as reported to the Secretary under subsection (a) of this section.

"(c) The Secretary shall distribute the list required by subsection (b) of this section to all State educational agencies.

"EVALUATION

"SEC. 907. (a) EVALUATION.—The Office of Technology Assessment may, upon request, beginning after September 30, 1987, conduct a thorough evaluation of the use of the telecommunications systems supported by grants made under this title.

"(b) REPORTS.—The Office of Technology Assessment shall, after a request made under subsection (a), prepare and submit a report to the Congress, on the evaluation authorized by this subsection.

"STUDY OF FEASIBILITY OF AN EDUCATIONAL SATELLITE

"SEC. 908. (a) The Office of Technology Assessment may, upon request, conduct a study and evaluation of the cost of designing, building, and launching a satellite for educational purposes, together with an analysis of—

"(1) the demand for the use of a satellite for educational purposes; and

"(2) the ability of users of such a system to repay the cost of such a satellite.

"(b) If the Office of Technology Assessment finds, after a study and evaluation conducted under subsection (a), that the cost entailed in designing, building, and launching such a satellite could be repaid within 10 years by the potential users of such a satellite, the Office of Technology Assessment shall notify the Congress of its findings.

"DEFINITIONS

"SEC. 909. As used in this title—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, and a State educational agency;

"(2) the term 'institution of higher education' has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

"(3) the term 'local educational agency' has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

"(4) the term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934;

"(5) the term 'Secretary' means the Secretary of Education;

"(6) the term 'State educational agency' has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

"(7) the term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

Mr. KENNEDY. Mr. President, today we are considering S. 778, the Star Schools Program Assistance Act. I am asking you to vote favorably for a new idea in education that matches the technology of the future with America's needs for the present. Our proposal is to link together the universities, colleges, secondary schools, and businesses of this country by satellite, so that the best teaching resources in the country will be available to all of our students. We call this idea star schools, and we believe it offers great promise, at a cost we can afford, in dealing with one of the most serious long-term challenges we face.

The economic battles of tomorrow are being fought in the classrooms of today, and the news from the front is not good. In survey after survey, American students are at the back of the class in math, science and foreign language achievement.

Japanese students score twice as high as our students in both chemistry and math achievement tests.

It should come as no surprise that the Japanese also have twice as many engineers working in their industries and have twice as many patents per capita as we do.

It is unlikely that this trend will be reversed by present policies. If anything, the education gap will widen. Only 35 percent of the high schools in America even offer a physics course. The National Science Board reports that by 1995 we will need twice as many teachers in math and science as we have today. But for every qualified math and science teacher entering the field, 13 are leaving for greener pastures.

And this exodus is taking place in the face of the serious shortage of math and science teachers on hand today. The National Science Teachers Association estimates that 30 percent of all math and science teachers in this country are completely unqualified or are seriously underqualified to teach these subjects.

The cost of a traditional national program to recruit, train, hire and upgrade the Nation's math and science teachers so that American students would have qualified instruction is between $10 and $20 billion.

The alternative we are proposing is affordable, and would address this challenge by offering grants to State and multi-State telecommunications

partnerships to provide math, science and foreign language courses by satellite and other telecommunications devices to local schools.

Two elements are critical in establishing programs to link a region in this way—hardware and homework.

The hardware necessary for a satellite education program includes transmitters based on the ground, transponders—receiving and transmitting units on a satellite—and down links, which are satellite dishes.

Homework means creating the necessary network of participants for a satellite project to succeed. It requires cooperation between businesses, secondary schools, teacher training centers, and the higher education community. It means training teachers at those schools most severly hindered by a lack of financial resources to complete this critical instructional task.

Under our proposal the burden will be on the States and regions to perform this hard work. Through this legislation, Congress will be challenging them to assess their needs for better education, to match needs with resources available in the region, and to target resources to the most deserving elementary and secondary schools and other institutions.

Our proposal asks the Federal Government to bear the cost of the initial hardware, programming, and training for the networks which have done the homework to make the program successful.

Grants of up to $20 million would be available to partnerships of local educational agencies, State educational agencies, public or private nonprofit entities with experience in telecommunications, institutions of higher education, and teacher training centers on a statewide or multistate basis.

Total budget authority of $100 million be available over the next 5 years, with a maximum of $60 million authorized in any single year.

Participating networks will be required to provide a description of available education offerings to the Secretary of Education.

The descriptions would then be distributed to all State educational agencies so that institutions which have received equipment might benefit from new programming even if they are not part of the formal network. Over time, the program will become a national project of shared education resources.

Even a one-room schoolhouse—with a satellite dish outside the door—will have access to a world of new information.

The advantages to all secondary schools in having access to this information are clear, but the benefits are greatest in rural areas and school districts with limited resources.

Often, such schools are now unable to provide even minimal quality courses in math, science, and foreign languages.

The star schools proposal will help to bring educational excellence to all. Teachers will have access to the additional training needed to instruct their students.

Colleges and universities will be linked to previously unavailable resources. Small and rural universities and schools may benefit the most, but excellent schools will benefit, too. No institution has a monopoly on knowledge; sharing resources will permit even our best institutions to enhance their stature.

The cost of continued failure in education is enormous. It can be measured in billions of dollars in trade resources lost alone. But the true cost of inaction will be the lost talents of an entire generation of America's youth. Students deserve a better education, and this legislation can bring it to them.

If it succeeds, we shall once again make good the promise of American excellence in our schools.

I urge the Senate to approve the Star Schools Program, and to join in this effort to bring more and better instruction to students in every State.

Mr. President, one of the developments that I think is being experienced in some school districts all across our country with scarce resources is the following: The school board or the Education Committee has to make a judgment on how they are going to allocate scarce resources. In many of those school districts, they have young, talented students who want to major in math and science and in foreign languages. But that number might have decreased over recent years from 40 maybe 4 or 5 years ago down to 20 at this time. They may be enormously gifted and talented young people but, because of the crunch on the budget of these various school districts, the school board has to make a decision about which courses to continue and which to drop.

Time in and time out we have heard in our Education Committee, as the former chairman of the Education Committee, the Senator from Vermont, Senator STAFFORD, remembers, and our own chairman currently, Senator PELL, remembers, time in and time out the courses that are being dropped are the math, science, chemistry, physics, and the foreign language courses. So at a time when we ought to be breathing life into these various programs, we are finding an increasing pinch in school district after school district all across this country.

Now, we believe that we have seen enough programs which have been successful using the satellite technologies to beam quality teachers into schools, which may have a smaller number of gifted and talented students who want to work in these various areas but the school district is going to channel them out or they are going to be required to travel miles in order to get the instruction, where you can take the best of high school teachers in math and science and have their instructions beamed into school districts which may not be able to afford a school teacher.

What we are thinking about is not only to use this kind of technology between secondary schools, but between colleges and secondary schools, between businesses and secondary schools or colleges or community colleges in terms of training programs. The ability to transfer that kind of information at this time is enormously important.

Often we, in the past—and I have joined with others in the past—in our effort to provide greater attention for math and science courses, have supported increases in appropriations for math and science courses. What has happened in many instances is those resources are spread out over school districts and a school district may get $400 or $600 to work in math or science. That certainly is not really enough to develop a continuing and ongoing program in these particular areas, even if we get into a few hundred million dollars. And we have seen from the National Science Foundation and the National Teachers Association, who have studied this particular issue, that if we did it in the traditional way we are talking $10 billion or $20 billion in order to try to upgrade our schools all across our Nation.

We do not believe that this is the only answer to try to get greater attention and focus on science, math, and foreign language courses in our schools. It is not the only answer. We know the work that is being done by the National Science Foundation in innovative and creative ways in trying to find means to be able to address what is really a matter of a national crisis. But we do believe that we have sufficient evidence to date to recognize that with the kind of approach that we know included in this program, to try it on an experimental basis and, if it is successful, to make a general application across our country to require the pooling of information—and that is going to be absolutely essential, a pooling of information—make that kind of information available even outside a particular regional area so if, for instance, other regions of the country have the technical capability to draw down on the various people, that they will be able to take advantage of this, as well.

It seems to me, Mr. President, that this is an idea whose time has come. It is a limited program. I think it is well thought out. We have had days of hearings on this program. I think it

offers some real hope of trying to do more with scarce resources.

And I am very hopeful that we can move ahead with this legislation.

We had very strong bipartisan support for this in our committee, and in the full committee. And I would hope that we could move ahead and send a very clear and important message to students, to teachers, to parents, to universities, and to the private sector that we are here in Congress serious about trying to deal with this issue.

I listened to the eloquence of my good friend from Illinois speak about the fact that we are going to be debating the budget considerations and probably the trade measures later in the next few weeks. Underlying a great deal of the problems in terms of trade has been the capability for the United States to compete, particularly in these areas of math and science; 40 percent of all new wealth that has been created in the last 15 years has been created through progress in math, in science, and in those fields. It seems to us, Mr. President, that we hopefully can be ahead of the curve instead of behind the curve on this important issue. I would hope that later in the afternoon we will have an opportunity to vote on this measure.

I yield the floor.

Mr. SANFORD. Mr. President, as one of the cosponsors of this legislation, I would like to take this opportunity to commend my distinguished colleague from Massachusetts for having introduced this forward-looking proposal to improve mathematics, science, and foreign language instruction. Citizens literate in the sciences, mathematics, and foreign languages will clearly and increasingly be the cornerstone of our economic competitiveness and of the quality of our life.

We must bear in mind that education is the foundation of the process that leads to a Nobel Prize in physics, a cure for AIDS, new products and materials for industrial, military, or industrial consumption, or an improvement in the process of production.

Just as science and engineering are essential to both the development of high technology industries and to the modernization of traditional industries, science and mathematics are the essential tools of all people in a modern society.

North Carolina has long recognized the importance of mathematics and science education. We established the Nation's first high school designed especially to provide challenging educational opportunities for students with special interest and potential in the sciences and mathematics. Over the years, this school and our fine network of public and private colleges and universities have yielded the many highly skilled graduates North Carolina has needed to assume jobs and contribute to our enriched economy, particularly in Research Triangle Park.

What has primarily accounted for the success we've had in the Research Triangle has been strong cooperation among business, government, and academia. Today's proposal will further fuel such cooperation by encouraging the formation of partnerships among elementary and secondary schools, institutions of higher education, and private organizations and public agencies with experience and expertise in planning and operating a telecommunications network.

For years, I was proud to be associated with an agency that used just such an approach to bringing mathematics and science to rural schoolchildren in Appalachia. The Learning Channel was created specifically to bring education into a region that lacked resources and properly certified teachers. Today, the Learning Channel offers educational opportunities to 8 milion homes, schools, and businesses in the 13-State Appalachian region, the Rocky Mountains and Alaska.

That the Learning Channel has been able to accomplish so much has been a function, as much as anything else, of the creative relationships it has forged with NASA, the National Science Foundation, the Appalachian Community Service Network, the Education Department, and a wide range of businesses and nonprofit groups. Together, they are helping to develop the minds and talents of millions of children who otherwise might be shortchanged.

Today's bill will help further the creation of other networks like the Learning Channel, bringing together the Nation's telecommunications and broadcasting resources to develop another of our Nation's greatest resources—our children. It will help bring educational excellence into the lives of the next generation of leaders. I strongly urge the support of my colleagues for this bill.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Thank you, Mr. President.

I rise in support of this legislation as one of the cosponsors.

Mr. President, I just completed a tour of all Maryland counties in my first 100 days as a new Senator from Maryland. One of the issues that continually arises is the question of teacher supply and teacher availability. How can we have enough teachers in the classroom? As I particularly visited many of the rural counties in Maryland, we find that we cannot meet that teacher shortage. This is most acute in particularly the science and technology area.

In one of my counties we see that a particularly talented science teacher was being paid $18,000 a year. Over a 5-year period he might even go to $22,000. The private sector down the road offered him a salary of $38,000. He said to me, "Senator MIKULSKI, I have got to be a good dad, and not worry about being a good teacher." He left us. How we will keep him I am not sure. But one thing I do know is we can find talented science teachers and use them through the star wars concept to go into the remote areas of Maryland, Minnesota and Massachusetts. Surely if we have the money to build a station in space, we should use the money to use space technology to put teachers in classrooms.

I think that it would solve an important national problem. I would like to congratulate the Senator from Massachusetts on a most innovative idea in which we can make teachers available, accessible, and in an affordable way in classrooms that we now do not have. I hope the Senate supports this legislation.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Thank you, Mr. President. I do want to join the distinguished Senator from Massachusetts in praise for the idea of Star Schools Program.

Our Nation, of course, has had a constructive and conscientious education reform movement taking place now for a few years. Attention has been paid in that reform movement to curriculum, graduation requirements, teacher education and many other important areas that need to be addressed. In most communities citizens, teachers, school administrators, school boards, elected officials, and even students are working on that school improvement. However, in order for our citizens of the 21st century—and those you would have to know are the people who are students of today and tomorrow—to be competitive and to be prepared, we must make some changes in the method of teaching, we must use the technology available to us to best instruct our students, and to train and to retrain our teachers. Because of staffing problems, because of costs involved, and many other things that we can mention sometimes students do not get to take the classes that of necessity they need because not enough students are at a particular level to offer that class.

These students will not be able to have their needs met. And in other instances schools do not have the most qualified teachers, those teachers possessing the most current knowledge in their field, or those able to teach at the level to meet the individual student's needs.

I suppose this is really more of a problem in rural areas maybe than in more metropolitan and urban areas, particularly suburban areas of the

country. But it is a problem in every State, the very least to say. But of course this happens more frequently in advanced classes than in beginning classes but can also happen at any level. Students in rural areas and small schools are especially victims of the limited curriculum. Math, science, and foreign languages are subjects that are absolutely needed by our future citizens to make us competitive, and in areas where typically schools have fewer qualified teachers new teaching methods and strategies to address these problems are essential.

Using telecommunications and interactive television, the star schools concept will help remedy these situations. This project can bring the most qualified teachers with the most up-to-date curriculum to the classrooms across the country. It has the exciting potential of linking strong instruction and curriculum with previously unchallenged minds of students. Through this technology the most needed teachers, those in the areas of greatest teacher shortage—that is probably today math, science, and foreign language, but tomorrow it might be some other areas of instruction—can be matched with schools having the greatest need. Updating teacher knowledge and training is another essential component in providing the best possible learning situation for our children.

This bill will allow access to resources previously unavailable to many teachers and to teacher training institutions.

I wholeheartedly support the use of advanced technology to help our Nation address the critical problems we face in preparing all of our students for their roles as productive citizens. And I encourage each of my colleagues to support this initiative so we can begin to make a difference for all of our students.

I want to thank Senator KENNEDY because I know that we have many rural schools in my State which are going through the needs that are unmet today, and this may be a tool to help them do that better job.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, first of all, I want to compliment the very able chairman of the committee, the manager of this bill, Senator KENNEDY, for his authorship of the concept of star schools. The bill itself has been so well described, by previous speakers. How the Star School Program will work, and the necessity for it has been outlined by the able Senator from Massachusetts, Senator KENNEDY, so I will not take the time on this side to go into detail at this point.

The purpose, of the bill is to increase and improve availability of instruction in math, science, and foreign languages to elementary and secondary postsecondary schools and teacher training centers. That really is a brief summary of what it does.

With regard to the star schools bill, the amendment which I offered at full committee will require that 50 percent of the funds in this program be spent for services and equipment at chapter I eligible elementary and secondary schools and this amendment has now been incorporated in the legislation. My amendment assures that students from poor elementary and secondary schools will be among the principal beneficiaries of this program to improve math and science instruction.

The strength of the Star Schools Program lies in its partnership approach in the judgment of this Senator, this partnership approach is necessary to address an important educational problem: How to improve mathematics, science, and foreign languages instruction at our elementary, secondary, and postsecondary educational institutions using the benefits of modern technology.

I think it is especially important, Mr. President, that we move ahead in instruction in mathematics, in science, and in foreign languages, that we move aggressively, and that we use the most advanced technology that we have to do so.

I am well aware, being a little bit provincial, that this program can reach rural America as well as urban America because, as it is structured in the New England area, it will reach many isolated areas in my own State of Vermont which is often described as the most rural State in the country.

So it is going to reach areas where it is needed most, in my opinion, rural areas so that modern technology can bring the most updated instruction to students in rural schools especially students who are from economically disadvantaged families.

I have often said, Mr. President, that in my judgment the very best investment we can make with the American tax dollars is in education.

Without that investment, I do not see how we can expect to be competitive in today's technological world. I attended a caucus meeting today on the competitive position of the United States, and education was one of the principal areas discussed. The caucus came to an agreement about certain things we need to do in this country. I am sure they would consider this to be one of the things we need to do, to go ahead with this program and assure that we have available in the future as many talented and educated individuals in this country as we possibly can. One of the ways we can assure that is through the Star Schools Program that Senator KENNEDY and the other members of our committee have proposed.

Mr. LEAHY. Mr. President, I would like to say a few words in favor of S. 778. This measure would link universities, colleges, secondary schools and businesses by satellite, as a means of sharing the best available teaching resources. The purpose is to offset the weakness in math, language and science education nationwide.

The need to strengthen these vital programs is clear. Survey after survey shows that American students lag far behind students from Japan and other countries in math, science, and foreign language achievement. The results of the Japanese stress in these areas is clear. The Japanese have twice as many engineers working in industry and have twice as many patents per capita as we have.

Contrast this with the United States where only 35 percent of the high schools offer a physics course. On top of this, the Nation's students are watching as their math and science teachers leave for the private sector. Of those left, it is estimated that 30 percent are either unqualified or seriously underqualified. The National Science Board estimates that by 1995 twice as many math and science teachers will be needed as we have today.

It is abundantly clear that the poor showing by American students has had a serious impact on our Nation's ability to compete in the world marketplace. Much has been spoken recently about competitiveness here in Congress and elsewhere. If we are truly serious about becoming more competitive in the world market, one of the first places to start is by improving the quality of the math, science, and language programs in our schools. In addition to improving our competitiveness, there are two other reasons why I believe that S. 778 is a good step toward addressing our educational deficiencies.

First, the bill would fund educational networks that would benefit greatly rural areas and school districts with limited resources. In many cases, schools in these areas are unable to offer quality courses in math, science, and foreign languages. The benefits are many for students and teachers in these areas who would otherwise have no access to the resources of a major university or business.

Second, in an era of budget belt tightening, S. 778 is a much less expensive alternative to a traditional program to recruit, train, and upgrade math, science, and language teachers. S. 778 proposes an outlay of $100 million over 5 years while a traditional program would cost $10 to $20 billion.

In conclusion Mr. President, I call upon the Senate to support S. 778 and ask to be listed as a cosponsor.

Mr. MOYNIHAN. Mr. President, I rise today to join my colleagues in supporting S. 778, the Star Schools Pro-

gram Assistance Act. This bill provides grants to State and multistate telecommunications partnerships to provide math, science, and foreign language courses by satellites to elementary and secondary schools.

S. 778 authorizes $100 million over the next 5 years for the purchase of equipment and the training of teachers, and for other materials which are necessary to allow students to take full advantage of the academic opportunities afforded by this advanced technology.

This bill also envisions many different organizations within the community working together to enhance our students' education. Local educational agencies, local businesses, and colleges and universities are asked to cooperate in developing effective methods of sharing educational training and teaching ideas through satellite communication technology.

In the Senate, we have often spoken of the need to increase our competitiveness in the world market. We cannot underestimate the role of education in achieving this goal. The study of math, science, and foreign languages will certainly enhance the skills of our young people and will prepare them for the challenges they will encounter as members of the work force. This bill, the Star Schools Program Assistance Act, contributes to that effort by revolutionizing the methods by which knowledge is transmitted to our children.

I urge my colleagues to support this bill—in doing so, we will take the much needed leap into the future of education.

Mr. HELMS. Mr. President, I must oppose S. 778. The bill authorizes the spending of $100 million to establish a new grant program. Grant moneys will be used to develop telecommunications networks, design and construct facilities, acquire equipment and satellite time, and to train elementary and secondary teachers in the use of the technology in science, math, and foreign language courses.

Mr. President, I oppose this program because it is—quite frankly—a waste of taxpayers' money. The program duplicates substantial ongoing telecommunications activities conducted by the National Science Foundation and NASA together with extensive private sector involvement. It also duplicates training and development activities under the chapter 2 block grant of the Education Consolidation and Improvement Act, and the Education for Economic Security Act. It is totally inappropriate to authorize this new Federal categorical program.

At a time when this Congress should be reducing Federal spending rather than expanding it, I urge my colleagues to vote against S. 778.

Mr. THURMOND. Mr. President, Senator KENNEDY is to be commended for his initiative to move communications technology to the forefront in dealing with some of our country's most perplexing problems in education.

However, I disagree with the approach of this bill. This bill places too much emphasis on support for the purchase of telecommunications equipment through Federal funding and not enough emphasis on developing quality educational programs.

As Henry J. Cauthen, president of the South Carolina Educational Television and Radio Network, stated in his testimony before the Senate Labor and Human Resources Committee:

> The communication technology is there . . . and the nation's public broadcasting system provides the framework and foundation from which these services can be developed. What we are most in need of at this time is funding to develop quality formal teaching materials in sufficient quantity to meet the rapidly increasing needs of education.

Because the public broadcasting system is already in place, I believe that is the system we need to improve. I am concerned this approach will merely setup a duplicate system, neither of which will have sufficient quality educational programs.

Moreover, private groups are already providing the types of education envisioned by S. 778, at no expense to the Federal Government. The current programs which provide satellite transmitted academic courses are widely received and tremendous resources have been committed by schools, colleges, and the private sector to make it work.

S. 778 is also not a high priority. When we are being forced to consider reductions in Federal domestic programs to reduce the deficit and meet the Gramm-Rudman-Hollings budget targets, it is extremely difficult to rationalize creating a new $100-million program.

Should the Congress be able to find an additional $100 million for domestic programs, it would be much better spent on programs that assist the needy in more substantial ways and through existing Federal programs. Purchasing telecommunications equipment does not fit into the category of aiding the needy.

Accordingly, I do not support this measure.

Mr. CONRAD. Mr. President, today we have an opportunity. An opportunity to make a difference in our tomorrow. We have before us legislation—the "Star Schools" Program—which can be an important element of a nationwide, quality educational system for our children.

In my home State of North Dakota, the cost to educate each pupil is high, due to our small population and the large distance pupils must travel to reach their schools. Often the schools make do with just the basics because they cannot afford added curriculums.

Further, my State has had to cut education funding because of the economic downturn facing North Dakota in agriculture and energy.

Yet students in North Dakota can perform with or better than any students in the world if given the proper working tools.

The goals envisioned in the bill would allow the children in my State, and in the States of my colleagues, to experience educational opportunities unrivaled in this world.

Imagine, a network of telecommunication systems bringing the best educational resources available in the country to every school, rural or urban, in the Nation. That is what we can do for our children today.

American education is at a crossroads. Do we continue to provide unequal educational experiences for our children because of lack of resources and inability to disseminate quality information, or do we use creative and innovative techniques like the "Star Schools" Program to attempt to ensure that each and every one of our children has the access to the best education available anywhere in the world?

Do we continue to fall behind other countries in math, technology, science, language, and the arts? Or do we reverse this decline and take this opportunity to reestablish ourselves as the world leader in education.

What will be the cost to our country if we fail to provide our children with an education that allows them to compete on a global scale?

Let us give the children in the rural areas of North Dakota and other States the chance to reach their full potential. When we give them that chance, they will be the best.

Mr. President, I wish to commend Senator KENNEDY and the Committee on Labor for developing this innovative legislation. I urge my colleagues to give this measure their strong support. Thank you.

Mr. HARKIN. Mr. President, the Star Schools Program Assistance Act is an important step forward in providing a comprehensive network of quality educational services that will reach out to elementary and secondary schools in areas most in need of expanding their educational resources, particularly those in rural areas.

This bill would assist educational groups, through grants, to develop, construct and acquire facilities and equipment in order to improve the instruction of math, science, and foreign languages by the use of telecommunications. I take as an example—Morning Sun High School, Morning Sun, IA. This school and two neighboring schools are using microwave television to offer 4 years of Spanish, precalculus, psychology-sociology, and anatomy courses. It is doubtful that few, if

any, of these courses could be offered if the television courses were not available. Clearly, educational offerings like this enhance students' learning and competitiveness in future educational endeavors.

I am very supportive of this bill because of its advantages for not only secondary schools, but for the tremendous impact it can have in rural school districts. Often schools in some rural areas are unable to provide quality courses in math, science, and foreign languages. Students suffer by not receiving a wide array of current math and science information, and thus are inadequately prepared to face educational challenges of the future.

I thank my colleague, Senator KENNEDY, for accepting my amendments included in the committee substitute. The first amendment addresses the need for demonstration projects to be regionally dispersed throughout the Nation. My second amendment assures that new educational opportunities offered to network participants will be targeted particularly toward areas with scarce resources and limited access to courses in science, math and foreign languages.

Students in small rural districts have fewer courses from which to choose than do their counterparts in larger school districts. Small schools also cannot compete with larger districts in teacher salaries, which may mean settling for a staff with fewer advanced degrees and less on-the-job experience. Student's learning in small rural schools may also be slowed by a lack of competition and class discussion. The Star Schools Program and the telecommunications network it would establish would address all of these issues.

Mr. PRYOR. Mr. President, in 1984 Congress approved the Education for Economic Security Act—Public Law 98-377, sweeping education reform measure that focused on the deficiencies of the math, science, and foreign language programs—termed critical areas—in American public schools. The legislation we are considering today, S. 778—the Star Schools Program Assistance Act, is a logical progression from the original education for economic security bill, and I am pleased to cosponsor this measure. S. 778 would provide grants for the development, construction, and acquisition of telecommunication facilities and equipment to further improve our education programs, with continued emphasis on math, science, and foreign languages.

We continue to hear the American public school system compared unfavorably with the systems of instruction in other countries—Japan in particular. It is distressing to note the now familiar statistics: Japanese students score twice as high as American pupils on both math and science achievement tests; the United States ranks next to last when the test scores of American eighth graders are compared with the performance of their counterparts in 13 other developed countries. Other comparative studies manifest similarly disheartening results. With this evidence before us, the immediate task should be to determine a course of action to address the problem.

S. 778 recognizes that all students need to have access to basic and advanced courses of the highest quality in the critical areas outlined in the education for economic security bill. Demonstration grants would be awarded to eligible telecommunications partnership—including educational institutions and agencies, as well as organizations with telecommunications expertise—that would in turn offer access to the math, science, and foreign language courses lacking in their curriculum. This legislation emphasizes the need to assist disadvantaged students and areas with limited resources—a provision of great importance to my own State of Arkansas, and other States with a number of rural school districts.

My colleagues may be interested to note, Mr. President, that the Arkansas Department of Education [ADE] has been involved with a pilot Satellite Instruction Program that is in keeping with the goals of the star schools proposal. As many rural Arkansas school districts cannot maintain instructors in foreign languages and some advantaged science courses, the ADE arranged satellite transmittal of programs of instruction from the Utah Department of Education and Oklahoma State University to nine small school districts in the State—Altus-Denning, Cord-Charlotte, Crossett, Cushman, Marmaduke, Ozark, Paron, Poyen, and Witts Springs. The program now serves over 200 students, and in the 1988-89 school year five more districts may be added to this network. S. 778 would broaden the scope of the Arkansas project even further.

The Star Schools Program Assistance Act authorizes $100 million over a 5-year period, with a limit of $60 million in any given year. Local education agencies eligible for chapter 1 assistance are targeted in this bill, and priority will be given applications that offer new resources to traditionally underserved populations, as well as those proposals that will serve a broad range of institutions.

If we are to address the problems in our educational system adequately, the Federal Government should be committed to the development of effective and innovative strategies, such as the approach offered in the Star Schools Program Assistance Act. I urge my colleagues to support this measure.

Mr. COCHRAN. Mr. President, I join my colleagues today in support of the Star Schools Program Assistance Act. By offering grants to State and multi-State telecommunications partnerships, this bill would begin to address America's need for improved educational services in the areas of math, science, and foreign languages.

These telecommunications partnerships would establish networks to provide math, science, and foreign language courses by satellite to school districts and schools which are eligible for chapter 1 moneys. Students in rural areas would have the opportunity to participate in physics, trigonometry, and foreign languages courses in some instances for the first time. Partnerships experienced in telecommunications as well as the subject matter itself would be able to share their knowledge and expertise with students across the country.

The bill authorizes $100 million over a period of 5 years for the operation of this program. A maximum of $60 million could be authorized in any single year. Telecommunications partnerships receiving grants would be able to use the money for the development and construction of equipment and facilities as well as for the development of educational programming. In addition, 50 percent of the funds available annually will be used by chapter 1 recipients to purchase equipment and provide teacher training and programming.

The Star Schools Program Assistance Act establishes a unique partnership between experts in the telecommunications and educational fields and school districts in our country in need of improved and varied curriculum. Passage of this bill will provide all students with the opportunity to enhance their education. I urge my colleagues to join us in support of this legislation.

Mr. MATSUNAGA. Mr. President, I rise to express my strong support for S. 778, the Star Schools Program Assistance Act. I wish to commend the senior Senator from Massachusetts [Mr. KENNEDY] for introducing this forward-thinking legislation, and I am pleased to be an original cosponsor.

This bill would create a grant program for regional consortia of universities, colleges, local education agencies and businesses in order to develop satellite systems which will allow the best teaching resources in the area to be shared by all. An educational telecommunications network would open up a vast new teaching resource for Hawaii and the Pacific/Asian territories, where we have traditionally faced much more difficult communications problems than the mainland States. Sharing resources among the islands that comprise the State of Hawaii can in itself be difficult. However, the

prospect of creating a network of the best teachers and the best curriculae is one which is tremendously exiciting and promising.

Mr. President, with this legislation, the United States can take an important step toward improving our competitiveness in the world economy. We can upgrade the teaching facilities of our schools at a pace that would otherwise be impossible. Further more, we can put into place a network in the United States that can eventually allow us to interact with other countries, both underdeveloped countries and technologically advanced, in order to bring an understanding of foreign cultures and international relations that will open up regional and world markets to American businesses.

Mr. President, education is a vital investment, and the star schools bill is an investment in the future of our children which can brighten their horizons.

I urge passage of S. 778.

Mr. DOMENICI. Mr. President, I am pleased to express my support today for the Star Schools Program Assistance Act. This bill would help establish telecommunications networks to improve mathematics, science, and foreign languages instruction.

I believe that this bill could go a long way to help curb our Nation's deficiencies in math, science, and language education.

Given the realities of resource and teacher shortages in these subjects, this bill could greatly assist students in rural schools, and other traditionally underserved populations, obtain the courses and information they need for quality education.

The idea is sound to use telecommunications to bring together the educational resources of a region, to bring those resources together so youngsters throughout the region can use them fully.

In New Mexico, I helped establish a similar partnership called TECHNET. TECHNET brings together the technical resources of New Mexico in ways that will benefit the State.

With this bill, partnerships like TECHNET could harness the great resources of our national laboratories and universities, making their knowledge available to rural areas of each State.

I commend Senators KENNEDY, and STAFFORD, as well as other Senators, together with the staff of the Labor and Human Resources Committee, for their fine work on this important legislation. I urge its early approval by the Senate.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from North Carolina [Mr. SANFORD] be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, in a moment I am going to send to the desk one minor technical amendment. This amendment simply changes one word in order to clarify which institutions are eligible to form partnerships under this act. This technical amendment reflects an intention that has already been expressed in the committee report to encourage public-private partnerships under the act. So in a moment I will send that amendment to the desk.

AMENDMENT NO. 168

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. (Ms. MIKULSKI). The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment numbered 168.

Mr. KENNEDY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 12, line 1, strike out "nonprofit".

Mr. KENNEDY. Madam President, I know of no objections to the amendment and I hope the amendment will be adopted.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. We know of no objection. We urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 168) was agreed to.

Mr. KENNEDY. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Madam President, I know of no other amendment. I believe we are ready for a vote on the substitute, as amended.

Madam President, I ask unanimous consent that it be in order to ask for the yeas and nays on this measure.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. I ask, Madam President, that the yeas and nays be ordered on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. I indicate to the membership, I would hope we could have this vote in the next few minutes. We will try to give as much notice to our colleagues as possible.

AMENDMENT NO. 169

(Purpose: To include certain Bureau of Indian Affairs schools in eligible telecommunications partnerships)

Mr. KENNEDY. Madam President, I send an amendment to the desk on behalf of the Senator from New Mexico [Mr. BINGAMAN] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for Mr. BINGAMAN, proposes an amendment numbered 169.

Mr. KENNEDY. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 18, before the comma insert the following: "or elementary and secondary schools operated for Indian children by the Department of the Interior eligible under section 111(d)(2) of the Elementary and Secondary Education Act of 1965".

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be added as a cosponsor of S. 778, the Star Schools Program Assistance Act. As a cosponsor I rise to express my support for the bill. I would, however, like to explain the amendment that was offered on my behalf by Mr. KENNEDY and that was accepted by the managers of the bill.

I commend Mr. KENNEDY and the other committee members on this initiative, but I was concerned with one point. The legislation requires that telecommunication partnerships eligible for grants under the act include three or more of the following groups: local educational agencies, State educational agencies, institutions of higher education, teacher training centers, or public agencies with experience in planning and operating a telecommunications network. I was concerned that schools operated by the Bureau of Indian Affairs under the Department of the Interior as well as schools contracting with the Bureau of Indian Affairs would be excluded from participating in these partnerships. My amendment simply includes these schools. The amendment does not change the bill's qualification that an educational agency's participation is contingent upon having a significant number of disadvantaged students within its jurisdiction. BIA schools will be subject to the same qualification. I simply believe that BIA schools would be ideal members of any partnership as they best understand the needs of the students in their areas—areas the committee hopes will benefit from this bill.

Mr. President, the committee report accompanying this bill states that the committee is particularly concerned

with improving math and science instruction for traditionally underserved and disadvantaged populations. I am particularly pleased that Indian schools can benefit from this legislation. Because of scarce resources and other impediments, tribal schools are disadvantaged institutions. Exactly this type of school will be able to offer higher quality math, science, and foreign language instruction as a result of the partnerships, created to take advantage of this legislation.

The need to improve education in rural and disadvantaged areas is great. My State of New Mexico is very rural. Most communities lack sufficient resources to offer the highest quality of instruction in math, science and foreign languages. Schools in New Mexico educate admirably under the adverse circumstances that many must confront; this bill can only help these schools offer higher quality education.

Furthermore, I am very pleased that this bill aims to improve math, science, and foreign language instruction. A 17-nation study has shown that American students trail all industrialized countries except Sweden in most mathematic skills. A recent study completed by the Southern Governors' Association emphasized the inadequacy of our Nation's foreign language instruction. The National Commission on Excellence in Education wrote in their report, "A Nation at Risk," that "the educational foundations for our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and a people." Competitiveness is an issue we have now all heard about. The reports mentioned above clearly indicate that we need to improve our educational system in order to improve our competitiveness. I think that this legislation is a step in that direction Better instruction in math and science will lead to brighter and more capable students that will eventually develop quality services and products that will rival any world-wide.

Mr. President, I again thank the chairman and express my support for the bill.

Mr. KENNEDY. Madam President, I have no objection to the amendment. As a matter of fact, I think it is a valuable one. In the legislation we talk about how we hope that there will be a focus in areas which fall within title 1, and we list some of those areas in the legislation.

The amendment of the Senator from New Mexico would add Indian reservations. I think it is completely consistent. We certainly hope they would benefit from these programs. If there are other concerns of the members of the committee, we will be glad to consider those in conference so I hope the amendment will be accepted.

Mr. STAFFORD. Madam President, we have no objection to the amendment and are prepared on this side to accept it. I would only hope that it might be possible in conference to make some very minor changes, not of substance, to the matter.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 169) was agreed to.

Mr. KENNEDY. Madam President, we are ready to go to third reading.

The PRESIDING OFFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The question now occurs on final passage of S. 778. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], and the Senator from Illinois [Mr. SIMON], are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN], would vote yea.

Mr. SIMPSON announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Utah [Mr. HATCH], the Senator from Idaho [Mr. MCCLURE], the Senator from Oklahoma [Mr. NICKLES] and the Senator from Oregon [Mr. PACKWOOD], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 16, as follows:

[Rollcall Vote No. 80 Leg.]

YEAS—77

Adams	Exon	Metzenbaum
Baucus	Ford	Mikulski
Bentsen	Fowler	Mitchell
Bingaman	Garn	Moynihan
Bond	Glenn	Murkowski
Boren	Gore	Nunn
Bradley	Graham	Pell
Breaux	Grassley	Pressler
Bumpers	Harkin	Pryor
Burdick	Hatfield	Reid
Byrd	Hecht	Riegle
Chafee	Heflin	Rockefeller
Chiles	Hollings	Sanford
Cochran	Inouye	Sarbanes
Cohen	Johnston	Sasser
Conrad	Karnes	Shelby
Cranston	Kennedy	Simpson
D'Amato	Kerry	Specter
Danforth	Lautenberg	Stafford
Daschle	Leahy	Stennis
DeConcini	Levin	Stevens
Dixon	Lugar	Warner
Dodd	Matsunaga	Weicker
Dole	McCain	Wilson
Domenici	McConnell	Wirth
Evans	Melcher	

NAYS—16

Armstrong	Kassebaum	Symms
Boschwitz	Kasten	Thurmond
Gramm	Proxmire	Trible
Heinz	Quayle	Wallop
Helms	Roth	
Humphrey	Rudman	

NOT VOTING—7

Biden	McClure	Simon
Durenberger	Nickles	
Hatch	Packwood	

So the bill (S. 778), as amended, was passed, as follows:

S. 778

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Star Schools Program Assistance Act".

PROGRAM AUTHORIZED

SEC. 2. The Education for Economic Security Act is amended by adding at the end thereof the following new title:

"TITLE IX—STAR SCHOOLS PROGRAM

"SHORT TITLE

"SEC. 901. This title may be cited as the 'Star Schools Program Assistance Act'.

"STATEMENT OF PURPOSE

"SEC. 902. It is the purpose of this title to encourage improved instruction in mathematics, science, and foreign languages through a star schools program under which demonstration grants are made to eligible telecommunications partnerships to enable such eligible telecommunications partnerships to develop, construct, and acquire telecommunications audio and visual facilities and equipment and obtain technical assistance for the use of such facilities.

"PROGRAM AUTHORIZED

"SEC. 903. (a) GENERAL AUTHORITY.—The Secretary is authorized, in accordance with the provisions of this title, to make grants to eligible telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment and for technical assistance.

"(b) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated $100,000,000 for the period beginning October 1, 1987, and ending September 30, 1992.

"(2) No appropriation in excess of $60,000,000 may be made in any fiscal year pursuant to paragraph (1) of this subsection.

"(c) LIMITATIONS.—(1) A demonstration grant made to an eligible telecommunications partnership under this title may not exceed $20,000,000.

"(2) Not less than 50 percent of the funds available in any fiscal year under this Act shall be used for the cost of facilities, equipment, teacher training or retraining, technical assistance, or programming, for local educational agencies which are eligible to receive assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981).

"ELIGIBLE TELECOMMUNICATIONS PARTNERSHIPS

"SEC. 904. (a) GENERAL RULE.—In order to be eligible for demonstration grants under this title, an eligible telecommunications partnership shall consist of—

"(1) a public agency or corporation established for the purpose of developing and operating telecommunications networks to enhance educational opportunities provided

by educational institutions, teacher training centers, health institutions, and industry, except that any such agency or corporation shall contain representation of the interests of elementary and secondary schools who are eligible to participate in the program under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981); or

"(2) a partnership which includes three or more of the following which will provide a telecommunications network:

"(A) a local educational agency, which has a significant number of elementary and secondary schools which are eligible for assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981) or elementary and secondary schools operated for Indian children by the Department of the Interior eligible under section 111(d)(2) of the Elementary and Secondary Education Act of 1965,

"(B) a State educational agency,

"(C) an institution of higher education,

"(D) a teacher training center, or

"(E)(i) a public agency with experience or expertise in the planning or operation of a telecommunications network,

"(ii) a private nonprofit organization with such experience, or

"(iii) a public broadcasting entity with such experience.

"(b) SPECIAL RULE.—An eligible telecommunications partnership must be organized on a statewide or multistate basis.

"APPLICATIONS

"SEC. 905. (a) APPLICATION REQUIRED.—Each eligible telecommunications partnership which desires to receive a demonstration grant under this title may submit an application to the Secretary, at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

"(b) CONTENTS OF APPLICATION.—Each such application shall—

"(1) describe the telecommunications facilities and equipment and technical assistance for which assistance is sought which may include—

"(A) the design, development, construction, and acquisition of State or multistate educational telecommunications networks and technology resource centers;

"(B) microwave, fiber optics, cable, and satellite transmission equipment;

"(C) reception facilities;

"(D) satellite time;

"(E) production facilities;

"(F) other telecommunications equipment capable of serving a wide geographic area;

"(G) the provision of training services to elementary and secondary school teachers (particularly teachers in schools receiving assistance under title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981)) in using the facilities and equipment for which assistance is sought; and

"(H) the development of educational programming for use on a telecommunications network;

"(2) demonstrate that the eligible telecommunications partnership has engaged in sufficient survey and analysis of the area to be served to ensure that the services offered by the telecommunications partnership will increase the availability of courses of instruction in mathematics, science, and foreign languages;

"(3) describe the teacher training policies to be implemented to ensure the effective use of the telecommunications facilities and equipment for which assistance is sought;

"(4) provide assurances that the financial interest of the United States in the telecommunications facilities and equipment will be protected for the useful life of such facilities and equipment;

"(5) provide assurances that a significant portion of the facilities, equipment, technical assistance, and programming for which assistance is sought will be made available to elementary and secondary schools of local educational agencies which have a high percentage of children counted for the purpose of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981);

"(6) describe the manner in which traditionally underserved students will participate in the benefits of the telecommunications facilities, equipment, technical assistance, and programming assisted under this Act; and

"(7) provide such additional assurances as the Secretary may reasonably require.

"(c) APPROVAL OF APPLICATION; PRIORITY.—The Secretary shall, in approving applications under this title, give priority to applications which demonstrate that—

"(1) a concentration and quality of mathematics, science, and foreign language resources which, by their distribution through the eligible telecommunications partnership, will offer significant new educational opportunities to network participants, particularly to traditionally underserved populations and areas with scarce resources and limited access to courses in mathematics, science, and foreign languages;

"(2) the eligible telecommunications partnership has secured the direct cooperation and involvement of public and private educational institutions, State and local government, and industry in planning the network;

"(3) the eligible telecommunications partnership will serve the broadest range of institutions, including public and private elementary and secondary schools (particularly schools having significant numbers of children counted for the purpose of title I of the Elementary and Secondary Education Act of 1965 (as modified by chapter 1 of the Education Consolidation and Improvement Act of 1981)), programs providing instruction outside of the school setting, institutions of higher education, teacher training centers, research institutes, and private industry;

"(4) a significant number of educational institutions have agreed to participate or will participate in the use of the telecommunications system for which assistance is sought;

"(5) the eligible telecommunications partnership will have substantial academic and teaching capabilities including the capability of training, retraining, and inservice upgrading of teaching skills;

"(6) the eligible telecommunications partnership will serve a multistate area; and

"(7) the eligible telecommunications partnership will, in providing services with assistance sought under this Act, meet the needs of groups of individuals traditionally excluded from careers in mathematics and science because of discrimination, inaccessibility, or economically disadvantaged backgrounds.

"(d) GEOGRAPHIC DISTRIBUTION.—In approving applications under this title, the Secretary shall assure an equitable geographic distribution of grants.

"DISSEMINATION OF COURSES AND MATERIALS UNDER THE STAR SCHOOLS PROGRAM

"SEC. 906. (a) Each eligible telecommunications partnership awarded a grant under this Act shall report to the Secretary a listing and description of available courses of instruction and materials to be offered by educational institutions and teacher training centers which will be transmitted over satellite, specifying the satellite on which such transmission will occur and the time of such transmission.

"(b) The Secretary shall compile and prepare for dissemination a listing and description of available courses of instruction and materials to be offered by educational institutions and teacher training centers equipped with satellite transmission capabilities, as reported to the Secretary under subsection (a) of this section.

"(c) The Secretary shall distribute the list required by subsection (b) of this section to all State educational agencies.

"EVALUATION

"SEC. 907. (a) EVALUATION.—The Office of Technology Assessment may, upon request, beginning after September 30, 1987, conduct a thorough evaluation of the use of the telecommunications systems supported by grants made under this title.

"(b) REPORTS.—The Office of Technology Assessment shall, after a request made under subsection (a), prepare and submit a report to the Congress, on the evaluation authorized by this subsection.

"STUDY OF FEASIBILITY OF AN EDUCATIONAL SATELLITE

"SEC. 908. (a) The Office of Technology Assessment may, upon request, conduct a study and evaluation of the cost of designing, building, and launching a satellite for ed*** BAD MAG TAPE ***ucational purposes, together with an analysis of—

"(1) the demand for the use of a satellite for educational purposes; and

"(2) the ability of users of such a system to repay the cost of such a satellite.

"(b) If the Office of Technology Assessment finds, after a study and evaluation conducted under subsection (a), that the cost entailed in designing, building, and launching such a satellite could be repaid within 10 years by the potential users of such a satellite, the Office of Technology Assessment shall notify the Congress of its findings.

"DEFINITIONS

"SEC. 909. As used in this title—

"(1) the term 'educational institution' means an institution of higher education, a local educational agency, and a State educationah agency;

"(2) the term 'institutioj kf higher educatioj' has the saie ieajing givej that teri ujder sectikj 1201(a) kf the Hicher Educatikj Act kf 1965;

"(3) the teri 'hkcah educatikjah agejcy' has the saie ieajijg givej that teri ujder sectioj 198(a)(10) kf the Eheiejtary ajd Seckndary Educatikn Act of 1965;

"(4) the term 'public broadcasting entity' has the same meaning given that term in section 397 of the Communications Act of 1934;

"(5) the term 'Secretary' means the Secretary of Education;

"(6) the term 'State educational agency' has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965; and

"(7) the term 'State' means each of the several States, the District of Columbia, the

Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. STAFFORD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I especially want to thank the staffs for their fine work on this bill.

Amanda Broun of my staff has been tireless and effective in preparing this legislation for the floor.

David Evans and Anne Young of Senator PELL's education staff were also very helpful, as were Polly Gault and Ellin Nolan with Senator STAFFORD.

Bob Silverstein of Senator HARKIN's staff worked well to clarify the bill's importance for our rural schools.

Mr. BYRD. Mr. President, I would like to commend the managers of this bill, Senators KENNEDY and STAFFORD.

It is clear that the future of this country is in the hands of our children. But, it is a future filled with difficult challenges. If our children are to meet these challenges, then we must use all of the tools available to us to provide them with the best possible education.

Without a sound math and science background, our children will be relegated to the economic back seat. Yet, many of our schools lack the highly trained personnel that are necessary to teach these rapidly changing subjects. Further, many rural schools simply do not have the resources to develop and implement the curriculums in these subjects. Often, these schools do not even have the money to hire teachers in the advanced sciences and mathematics.

The Star Schools Program as envisioned in this bill would make use of our technological base to help our schools meet the pressing need for better math and science education. By making satellite time and technologies available to teachers and students on a regular basis, we can make quality education and instruction far more available than it is today. With a satellite dish, even a one-room schoolhouse can tap the world of knowledge.

Mr. President, I am pleased to support this bill and again commend the managers of the bill for their efforts in seeing it through the Senate.

UNANIMOUS-CONSENT AGREEMENT—S. 853

Mr. BYRD. Mr. President, there will be no further rollcall votes today. On tomorrow the Senate will proceed to the consideration of Calendar Order 96, S. 853 amendment of the National Traffic and Motor Vehicle Status Act. There may be rollcall votes on that. Have we not entered an order that I may call that up at any time on tomorrow?

The PRESIDING OFFICER (Mr. WIRTH). The Senator is correct.

Mr. BYRD. Mr. President, while the distinguished Republican leader is here, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the Senate proceed to the consideration of Calendar Order No. 96, S. 853.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I should further announce that on tomorrow, if action is completed on that bill, I would expect and hope to go to the nominations on the Executive Calendar, proceeding with any one or more of them on tomorrow. I should say to Senators that a motion to proceed to a nomination on the calendar is not debatable. Of course, the nomination itself is debatable. Senators may expect rollcall votes on tomorrow.

I thank all Senators.

MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, that Senators may speak therein up to 5 minutes each, and that the period not extend beyond 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET REFORM

Mr. HATFIELD. Mr. President, the Senate will soon begin consideration of the concurrent resolution on the budget for fiscal year 1988. During that consideration, I expect there will be discussion of various budget reform proposals that have been advanced from several quarters in the past few months. The President has called for new budget procedures, Senators and Representatives have drafted and introduced legislation, the Director of the Office of Management and Budget criticizes Congress for its past performance and calls for something new, and the chorus swells.

This is understandable, even predictable. The siren song of reform is always tempting. When we are frustrated by current circumstances, it is exciting, even exhilirating, to mount the barricades, rally the disaffected, and call for reform. Reform movements are a highly valued part of American political tradition.

But reform is not always progress. Change for it's own sake doesn't do anything but create a false sense of achievement, and sets us up for further disappointment. So before we all jump on the reform bandwagon, I think we ought to study these proposals, and think about whether they will really improve things. I myself am skeptical.

Take the proposal for a 2-year budget and appropriations process, for example. This has a great deal of appeal, if for no other reason than it holds out the hope of relieving the pressure of the legislative calendar, eliminating annual marathon sessions on budget resolutions and appropriations bills, and in general making our lives easier. The proponents of the 2-year process, including my good friend Senator DOMENICI, argue that we ought to pass a 2-year budget resolution, then pass 2-year appropriations bills, and use the next year to conduct oversight and consider authorization bills, while the Federal budget hums along unattended. If I had any hope that this dream could become reality, I would be as enthusiastic as anyone in supporting this proposal. Those of us on the Appropriations Committee and the Budget Committee have put in very long hours all too often, and we more than anyone else would dearly love to have a respite. But the performance of this proposal is not going to live up to its promise. The Federal budget is not static, Mr. President. It is very much alive. It is responsive to economic conditions and political circumstances, and it should be. If we experience rising unemployment, we will have more Federal spending on some programs. If we have higher inflation, we will have more Federal spending on some programs. If we have higher interest rates, we will have more Federal spending. If the price of oil goes up, we will have more Federal spending. If we have a farm disaster, we will have more Federal spending. If we have a space shuttle disaster, we will have more Federal spending. In some areas, the increased spending will automatically occur, because of all the entitlement programs we have created. In other areas, the increased spending will be the result of deliberate action of the President and Congress in response to a perceived need. There is nothing wrong with that—we are supposed to be responsive, and to use the Federal budget as an instrument of policy.

If we think for 1 minute, Mr. President, that we can adopt a 2-year budget and appropriations process and insulate ourselves from these political and economic factors, we are kidding ourselves. Rather than spending the second year of the 2-year cycle conducting oversight and considering authorization bills, we will spend our time considering supplemental and rescission bills in response to changing requirements.

We need look no further than the past 6 months for evidence of what I am suggesting. Last fall we ended the 99th Congress believing that we had

taken action sufficient to reduce the Federal budget deficit to the Gramm-Rudman-Hollings target for fiscal year 1987 of $144 billion. We returned in January for the 100th Congress to be greeted by the news that the deficit would more likely be $174 billion. Now if reality would depart from hope to the tune of $30 billion over 3 months, how far off the mark would we be over the course of 2 years? Would we simply stand idly by and not respond to a change of that magnitude, explaining to a beleagured public that we were in our second year of oversight, authorization legislation, and general contemplation, and that remedial action on the budget would have to wait? If the farm economy absolutely collapses, are we going to tell our farmers their timing is wrong, and they'll just have to wait for Federal assistance? If another earthquake rocks Italy or El Salvador, will we ignore our long-tradition of humanitarian aid because our schedule calls for devoting time to other matters? Of course not. We will respond, as we should.

Nor is this simply a matter for Congress to consider. The President is involved as well. Last October the President signed the continuing resolution for fiscal year 1987, embracing all 13 regular appropriations bills providing a total of nearly a half trillion dollars. Twelve weeks later, he was back, asking for more, presenting Congress with a supplemental request of $12.4 billion. The President couldn't sit still for more than 12 weeks without asking for more money. What makes anyone think he would sit calmy for 12 months, if he thought a request for additonal funds was necessary?

My point, Mr. President, is that it may be nice to dream of a 2-year cycle and the peace it would bring, but it won't happen. If we adopt a 2-year process, we will spend the first year acting on the budget resolutions and appropriations bills, and the second year making adjustments to them. The calendar will be every bit as crowded.

Another idea that has been advanced is something known as enhanced rescission authority. This idea has taken form in Senate Concurrent Resolution 16, offered by the Senator from Indiana, Mr. QUAYLE, and incorporated in S. 832, offered by the Senator from New Mexico, Mr. DOMENICI. Those gentlemen propose an expedited procedure for rescissions that goes far beyond that already incorporated in the existing Budget Act. Under this scheme, the President would transmit rescission messages to Congress within 3 days after signing an appropriations bill, the messages would be introduced as legislation on the day of their arrival, and the Committee on Appropriations would have no more than 5 calendar days for consideration. The committee could make no substantive revision, in short, no amendments, to the legislation, and would be discharged after 5 days. The rescission bills would be privileged, eligible to be called up without debate, and within 5 more days, there would have to be a vote. No amendments, no motion to reconsider would be in order. Debate would be limited to 4 hours.

Mr. President, for an institution that bills itself as the "world's greatest deliberative body," that was characterized by the Founding Fathers as the "saucer that cools the legislative tea" poured by our more impetuous bretheren in the other body, we have certainly become enamored of expedited procedures, hamstringing our leadership and eliminating our cherished right of prolonged debate. If this Rube Goldberg scheme were implemented, we would be beseiged with scores, possibly hundreds, of rescission bills from a President determined to revisit policy disputes with congressional funding priorities within 2 weeks of signing the bills that established those priorities. What a silly sight that would be.

More fundamentally, this scheme would threaten the very important process of building coalitions and making compromises. That process is integral to legislating and governing. Surely the proponents of this scheme know that. We couldn't have farm legislation if different commodity groups with different interests didn't compromise their differences and work together for the good of the whole. We would not have had a highway-transit bill if Members from rural areas and Members from urban areas had not worked together to support each other's interests. The President would not have had $100 million in aid to the Contras if he had not agreed to certain restrictions. That is the nature of things, Mr. President. It is the way our laws are made. It is not anything to be embarrassed about. And if we give the President this new procedure, we will allow him to subject us, under a mandated procedure, to a systematic picking apart of coalitions painstakingly built over months of hearings, debate, and negotiations, and only days after he signs bills embodying the results.

To those whose interest in reducing Federal spending overrides these concerns, I also say that this is the wrong proposal to give relief. This proposal only addresses funding provided in appropriations bills. As Senator DOMENICI noted when he introduced his bill, appropriations bills account for less than half of Federal spending, far less when defense spending is excluded. This enhanced rescission scheme doesn't address entitlements funded beyond the scope of appropriations bills. It doesn't address the revenue side of the budget at all, and heaven knows we get revenue measures around here from time to time that cost us revenue and increase the deficit. If this proposal were to address the entire budget, and not just less than one quarter of it, then it might have some merit. But it doesn't, and enhanced rescission proposals should be opposed.

If the proponents seek action on the President's rescission proposals, let them utilize the process established by the Budget Act in 1974. Simply introduce a rescission bill. It will be referred to the Appropriations Committee. The committee will have 25 days to consider the bill, or be discharged. The bill would then go to the calendar and be considered according to the same rights and privileges as other legislation.

A number of the proponents of enhanced rescission proposals complain that this body never votes on the President's rescission requests. I dispute that. For example. In 1981 the President requested $14.7 billion in rescissions and we enacted $15.1 billion, and there have been other rescissions enacted since then. If Members want votes on rescission requests, let them introduce bills under the current procedures. Apparently no one wants to do that, since the existing procedure has been used once in the past 6 years. If we have no interest in trying the existing procedure, I doubt that a new scheme is going to work any miracles.

I have taken enough time for today, Mr. President. There are other budget reform proposals that I might want to discuss at another time—wrongheaded notions such as an automatic continuing resolution; a joint resolution on the budget, requiring a Presidential signature; and restoring the sequester procedure to the most recent monstrosity created in the name of reform, Gramm-Rudman-Hollings. But I will desist for now, Mr. President. Let me just close by saying that every reform proposal I have seen so far is really just a way to substitute procedure for performance. We are not going to work our way out of our Federal deficit difficulties with procedural gimmicks. There is nothing wrong with our present system if we summon the will to make it work. And if we do not have will, no new procedures will work any better.

SECRETARY SAMUEL PIERCE'S REMIC'S DECISION

Mr. CHAFEE. Mr. President, I wish to express my strong support for the decision yesterday by Secretary Samuel Pierce of HUD approving Fannie Mae's request to issue Real Estate Mortgage Investment Conduits (REMIC's). I believe this decision will enhance competition in mortgage finance markets and lead to lower interest rates for American home buyers.

As the original sponsors of the REMIC's legislation, it was my clear intention that Fannie Mae and Freddie Mac should be treated as any other mortgage securities issue with full authority to issue REMIC's. As chairman of the Taxation Subcommittee, with jurisdiction over REMIC's legislation, I heard strong support for Fannie Mae's full participation under my bill, from every private sector witness who supported REMIC's concept.

The matter of Fannie Mae's participation was similarly considered and supported in the House.

Fannie Mae's participation in REMIC's is an important element in the success of the REMIC's instrument.

There is no reason that has been shown for arbitrarily restricting Fannie Mae's authority to issue REMIC's. To the contrary, the market should be broadly defined in order to ensure the full benefits of REMIC's to the home buyer are realized.

I hope that this matter is now behind us so that REMIC's can now develop as Congress envisioned.

NBA FRANCHISE IN CHARLOTTE, NC

Mr. SANFORD. Mr. President, I am pleased to congratulate the people of Charlotte, NC, on the selection of their city as the site of a National Basketball Association franchise. This thriving metropolis, which is the largest city in North Carolina, has sought this franchise for a long time and its efforts have now been rewarded.

Charlotte is uniquely qualified to host the new Charlotte Spirit franchise. First, hundreds of thousands of people live in the Charlotte metropolitan area and have indicated that they will support the team by their advance purchase of over 14,000 season tickets.

Second, a new coliseum is under construction in Charlotte and will seat 23,000 when it is completed in the summer of 1988. This facility is being built specifically for basketball and will be a great site for the new team.

Finally, North Carolina is basketball country. We have long been proud of our college and high school teams. With the addition of the Charlotte team during the 1988-89 season, we now have a team that the entire State can support.

I also want to congratulate George Shinn of Charlotte, who was so instrumental in bringing the NBA franchise to the Queen City. When others doubted that it could be done, George persevered and I am proud of this new addition to our rich sports scene in North Carolina.

VESSEY NAMED PRESIDENTIAL ENVOY

Mr. DOLE. Mr. President, the White House has confirmed that former Chairman of the Joints Chiefs of Staff, Gen. John Vessey, has been appointed as Presidential envoy to Hanoi for the purpose of accelerating United States-Vietnamese dialog to solve the POW/MIA issue.

As we all know, Hanoi made a commitment in 1985 to engage the United States on resolving the fates of our MIA's as a separate, humanitarian issue and to work for its complete resolution within 2 years. Early negotiations were promising and many of our hero's remains have been returned. But as this year's deadline approaches, we find that both technical and policy talks have stalled—the Vietnamese claim this is due to internal political reasons. Well, now they've had their elections and I would hope that they will once again negotiate in good faith and not attempt to link resolution of the POW/MIA issue to other political matters. It's clearly in Vietnam's interest to resolve this remaining vestige of the war.

ADMINISTRATION EFFORTS

With the Vessey initiative, the administration has again clearly demonstrated their seriousness on the POW/MIA issue. As early as last fall, President Reagan saw the need to accelerate Vietnamese cooperation and approved one of America's finest, Jack Vessey, as his personal emissary to Hanoi. This appointment was just recently presented to the Vietnamese; unfortunately the initiative was leaked. Nonetheless, Jack Vessey will do a fine job—the next move is up to the Vietnamese.

We would all hope that a realistic agenda for resuming the talks will be forthcoming and that Hanoi will continue serious negotiations on humanitarian grounds. Many American families wish to resolve once and for all the fates of their loved ones who served our country so selflessly. We must all continue our commitment to seeing a speedy resolution to the POW/MIA issue and we wish Jack Vessey all the best in his efforts on behalf of a grateful nation.

HONORING PATRICIA CREGAN

Mr. D'AMATO. Mr. President, I rise today to offer my praise and encouragement to a fine Senate staffer, Patricia Cregan, who is leaving the Senate Appropriations Committee at the end of this week to accept a position in the private sector.

Pat served with distinction as majority clerk for the Appropriations Subcommittee on Transportation and Related Agencies from October 1983 though the end of the 99th Congress. For the last several months, she has held the position of minority clerk on the same subcommittee where she has continued to display the competence and professionalism that characterize her work in the Senate.

As the ranking minority member of the Transportation Subcommittee, it has been a pleasure for me to have had Pat's able assistance on transportation issues of concern to the subcommittee. She brought to her job a wealth of experience gained from her previous positions on the staff of the House Budget Committee, and as a budget analyst in the Office of the Secretary at the Department of Transportation.

In 1981, when Pat joined the Senate Appropriations Committee staff, she worked on general budget matters, or "scorekeeping." This experience in "bean-counting," as she refers to it, was undoubtedly helpful in developing her keen ability to maintain a comparative perspective on the broad range of issues included in appropriations bills. When she joined the Transportation Subcommittee in 1983, she had a wide understanding of the many competing programs and issues that comprise a governmentwide funding bill.

Pat Cregan does not hail from New York State—in fact, she is from Youngstown, OH—nevertheless, this New York Senator and his staff can attest to her good work on transportation issues of concern to our State. We wish her much success and happiness as she begins her new career.

WHATEVER I CAN DREAM, I CAN ACHIEVE

Mr. BURDICK. Mr. President, I would like to pay tribute to Elizabeth Hughes of Williston, ND, the first-place winner of the National Journalism Contest sponsored by the President's Committee on Employment of the Handicapped.

This 17-year-old high school senior wrote a paper called "Whatever I Can Dream, I Can Achieve," which describes a young woman with spina bifida who works for the CIA. Elizabeth is in Denver today receiving a cash scholarship and a certificate at a National Conference on Employment of People with Disabilities.

Elizabeth's first place honors are well-deserved, and I am proud of the writing skills this young North Dakotan displays.

I know many of my colleagues in this body are interested in employment of the handicapped, and think you might benefit from reading Elizabeth's perceptions of one disabled woman's efforts to contribute to society.

I ask unanimous consent that her report be printed in the CONGRESSIONAL RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

WHATEVER I CAN DREAM, I CAN ACHIEVE

(By Elizabeth Hughes)

She is one of 240 million American citizens.

She is one of 35 million Americans with a disability.

She is one of 12,000 Americans born each year who have spina bifida.

She is Michelle Duffy, a young woman who has dared to dream and achieve things many of us never thought possible. Michelle has been paralyzed since birth because of spina bifida, but she does not allow her disability to affect her individual goals and aspirations. Michelle says, "If I can dream it, I can achieve it." Energetically, she continues, "I plan to always live my life to the fullest."

Michelle's biggest dream has been to become independent. While living with her family in the Washington, DC area, Michelle reached a certain degree of independence by working as a receptionist at the CIA. Michelle's job proved to be one of the most positive influences of her life. Her job entailed some work on computers, but the largest portion of her work centered around working with her and for others. Personal contact, Michelle says, has always been very important to her. She says, "People are the essence of life. I thrive on contact with others." At her job, Michelle viewed herself as no different from anyone else. Her work had given her direction, and Michelle remarked fondly, "I was there to make my contribution to 'The Agency' just like everyone else." As an employee, Michelle created new opportunities and experiences for herself, achieved a unique sense of personal pride for her independence, and expanded her horizons; however, she still felt her family was providing too many services for her.

Two years ago, Michelle had to leave her work and join her family in their move to Montana. To establish herself in her new home, she became active in community affairs. As both a paid employee and a volunteer, Michelle loved her work, and it became an integral part of her life; however, Michelle felt that something was still missing. She says, "I wanted to go back to Washington, DC. My experiences in Montana helped me grow so much, but I needed more." The dream of independence burned inside Michelle.

Michelle knew that the only way that she could return to her job in Washington, DC, was if she could be accepted at a group home for young people with disabilities, and she also knew her acceptance rested upon her ability to reach a certain degree of physical independence.

"I wanted so desperately to go back home to my friends and my job. I knew it would be difficult to leave my family, and even more difficult to attain the physical independence and adaptability required for my acceptance into the home, but I was determined to succeed," said Michelle. She began her battle for independence because, as she remembers, "Returning to my job was the most important thing for me. As a young working woman, I felt I had more of a purpose in life. I was a contributing member of the work force, and it made all my efforts seem so worthwhile."

In order to return to her cherished position at the CIA, Michelle encountered a major challenge—attainment of almost complete physical independence. Faced with this arduous task, Michelle presented her new set of personal goals to her family and they too accepted the challenge of preparing for her return. They combined their efforts with a home health nurse and together they struggled through the daily physical and emotional trials. All the while, they visualized Michelle's dream: to return to work and to her friends. Michelle's mother, Yvonne Duffy, said, "It was so exciting to see Michelle set her goals, work toward them, and achieve them. All of us shared in her sense of accomplishment. It was a wonderful time for all of us."

The dream of independence came true for Michelle early last year when she was accepted into the Cheshire Homes for independent living. Because the home is near Washington, DC, Michelle has been able to return to her previous position at the CIA.

Michelle's parents made the journey with her to the East to help her get settled in her new home. It was difficult for the Duffys to think of returning home without Michelle, but when they visited Michelle at work, they saw it was the best thing for her. They saw their daughter from a new perspective. She had always been their little girl, and now she was successfully filling the role of a young woman in the work force. They saw in Michelle a new sense of self confidence, pride, proficiency, and fulfillment. As her family boarded the plane to return to Montana, teary-eyed Michelle said, "If it were not for our move to Montana, I don't think I would ever have left home. Maybe I would never have found the desire to reach my full potential. It really was the best thing for me."

Through her work, Michelle gained enough confidence to venture into other areas of interest. She participated in other activities, and became more involved. She found the courage to journey to a shopping center by herself, and she reached a major goal by traveling alone to New York to visit relatives during her Christmas vacation.

Michelle's family had seen her personal moments of victory and triumph: Michelle's first shower by herself, changing her colostomy bag, and dressing herself completely. But as Michelle's father said, "Until now, we had not realized how much independence meant to Michelle. Initially, we knew Michelle's job was important to her, but we never knew just how important. She struggled to get where she is." Michelle has proven to herself and everyone else that her work represents independence, and independence is vitally important to her. Her father continued, "Now we truly see that Michelle is a success."

Yes, she is one of 12,000 Americans born with spina bifida each year.

Yes, she is one of 240 million American citizens.

Yes, she is a success.

Even more importantly, she is one very determined young woman.

Michelle reflects, "Through my independence and my job, I have discovered the magic within myself. My work has inspired me to make my dreams become reality." Michelle is a wonderful example that whatever one can dream, can truly be achieved.

A TRIBUTE TO THE ANNISTON ARMY DEPOT

Mr. HEFLIN. Mr. President, I am proud to rise today to pay tribute to the employees and the command of the Anniston Army Depot, which is located in Calhoun County in northeast Alabama. I recently visited this facility for the eighth time. Each visit has added to my admiration for the work done by Army civilian employees and Army personnel whose joint efforts have produced one of the most efficient operations in all Government services. Senator SAM NUNN joined me during one of my visits, and he, likewise, marveled at the accomplishments of this Army base.

The Anniston Army Depot is 1 of 12 depots in the Army's Depot System Command. These depots are located throughout the United States and in West Germany and provide direct support as supply sources to Army units around the world. The responsibility of the Anniston Army Depot includes combat vehicle rebuild and conversion programs, small arms and artillery rebuild, and the maintenance of various missile systems. The depot is also the largest ammunition storage facility within the Army's Depot System Command. Anniston Army Depot also exercises command and control of the Lexington-Bluegrass Depot activity. For more than 40 years, the citizens of Anniston and the employees of the Anniston Army Depot have been working to keep America's defenses strong. They have labored to provide American servicemen all over the world with the most reliable equipment and supplies that are available anywhere in the world. Anniston and the depot have a history of working together for our Nation. They have provided a solid foundation for the American servicemen and women. They should be commended for their efforts.

The Anniston Army Depot first opened its gates in 1942 as the Anniston Ordnance Depot. Building had started in 1940, when possible conflict was envisioned after the war broke out in Europe. The Army discovered that the area in the Appalachian foothills met several requirements; the hilly terrain provided good locations for storage facilities which could be separated from each other and not easily seen; the location was far enough inland to be safe from any enemy naval attacks, thought possible at that time; rail lines ran along the depots' borders providing access for shipping; and the surrounding agricultural community provided the stable work force that was necessary. In the years between 1943 and 1945, the Anniston Ordnance Depot proved itself, handling more than 1¼ million tons of material. Workers shipped or stored ammunition for 65 cents an hour and often worked three shifts a day to get bullets to the troops. It was homefront efforts, such as this, that provided America with a great advantage during World War II. Without this commitment, we might have still won the war—but I am certain it would

have taken many more years and many more lives before we would have emerged victorious.

Since World War II, the Anniston Army Depot has continued in its great service of our national defense. In the 1950's, the depot's growing mission was evident by the addition of warehouses and ammunition igloos, as well as the installation of an automatic data processing system for stock control. The David L. Stanley Maintenance Facility, the center of the depot's tank rebuild program, was also completed in 1953. This facility was named for a great civilian Federal employee who devoted his life's work to the improvement of the depot.

In 1962, the depot was renamed Anniston Army Depot and was placed under the direction of the Army Materiel Command. It continued its growth during the sixties and added the calibration mission for six Southeastern States and logistics support for the Lance, Shillelagh, and TOW missile systems. The Dragan missile was added in 1971.

In September 1976, Anniston Army Depot, along with all of the other Army depots, was placed under the direction of the U.S. Army Depot System Command. In the recent past, the depot has begun maintenance work on the M-1 Abrams tank, which is the new tank being deployed today by the U.S. Army.

The Anniston Army Depot is big business for both Alabama and for Anniston. Facilities at the depot are valued at $717 million and the depot operates under an annual budget which approaches $255 million. The depot has a work force which is usually between 4,800 and 5,000 employees and an annual payroll of almost $120 million. As such, the depot is the largest employer within the 14 county third congressional district. The depot covers over 25 square miles of land with more than 18,000 acres of woodland and 40 acres of lakes and streams. There are almost 2,000 buildings and structures with 8.5 million square feet of floor space, approximately 250 miles of roads and streets and 46 miles of railroad tracks.

A major asset which the depot enjoys is its link with the local community. The Anniston Army Depot is, indeed, an integral part of the Anniston community. Many employees have spent their entire working lives at the depot and feel a real sense of family among their fellow employees. In each achievement, they share a sense of accomplishment and enjoy working as members of a team.

Mr. President, I know that in the future, the accomplishments of the Anniston Army Depot and of the community of Anniston will be great. I know that each will work together in their service of our country. Though their efforts are not usually rewarded with glory or military decoration, they provide an essential service for our national defense. Without their work, our national defense would not be as strong as it is. As their representative, I take pride in their achievements and salute their success.

SDI AND THE AMERICAN PEOPLE

Mr. WALLOP. Mr. President, a recent poll conducted this month by the highly regarded polling firm of Penn and Schoen Associates of New York, for the Committee on the Present Danger, shows that the American people not only want SDI research but they fully expect that a strategic defense against Soviet ballistic missiles be deployed.

Mr. President, the poll also demonstrates that Americans remain concerned about the growth in Soviet nuclear and military power, and that, contrary to claims made by the opposition to SDI, Americans understand that any strategic defense ought to defend both the U.S. population and military capability.

Mr. President, 44 percent of those polled believe that the Soviet Union has a stronger nuclear force than the United States, compared with 37 percent who believe we possess the stronger force. Almost 60 percent of Americans believe the Soviets spend more on defense than we do, while 50 percent think that the Soviet military is stronger than the United States military. A remarkable 66 percent believe that U.S. military spending should be increased or kept at current levels.

Mr. President, on SDI the attitudes of Americans are consistent with all polls that do not characterize strategic defense as star wars—an intentionally derogatory phrase that confuses rather than informs. Seventy-seven percent of all Americans support research and development of SDI. Only 20 percent oppose it. Seventy-four percent, Mr. President, 74 percent favor setting up an SDI system in the United States, while only 19 percent oppose it. When asked if an SDI system should defend primarily people or primarily missiles, or both, a surprising 75 percent of those polled thought both should be defended. This abolishes the myth that the American people are not sophisticated enough to understand that their security is strengthened when the Armed Forces of the country are protected. The American people do not oppose a strategic defense that protects missiles; they prudently understand that such a defense should protect both.

Perhaps the most interesting statistic, Mr. President, is the first question in the poll. Let me read it for my colleagues: "The United States currently has a system to defend against nuclear missile attack. True or false?" Sixty-four percent answered true to this question, Mr. President. We all know that the American people are grossly in error here. But only because they have properly applied common sense to the question of the Nation's defense. It is we in Congress and in the executive branch who have failed in not providing such a defense for the American people. Maybe we should listen more carefully to their counsel?

Mr. President, I ask unanimous consent that the general summary of the Committee on the Present Danger poll be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NATIONAL POLL NO. 1063 FOR THE COMMITTEE ON THE PRESENT DANGER

This volume contains the general summary and detailed crosstabular results of a national survey conducted for the Committee on the Present Danger by Penn & Schoen Associates, Inc. In all, 1004 interviews were conducted from April 3, to April 5, 1987, using a random sample of U.S. residents that accurately reflects a typical cross-section of American citizens. All interviews were conducted from the central telephone facilities of Penn & Schoen.

GENERAL SUMMARY: CPD NATIONAL NO. 1063

Question No. 1: Now I would like to ask you some questions about defense. I would like you to tell me if you think the statement is true or false. The United States currently has a system to defend against nuclear missile attack. Do you think that is true or false?

All: True, 64; false, 31; don't know, 5.

Question No. 2: The Soviet Union currently has a system to defend against nuclear missile attack. Do you think that is true or false?

All: True, 67; false, 29; don't know, 4.

Question No. 3: The United States spends more on strategic defense than the Soviet Union. Do you think that is true or false?

All: True, 33; false, 56; don't know, 11.

Question No. 4: The Soviets have pulled their troops out of Afghanistan. Do you think that is true or false?

All: True, 8; false, 86; don't know, 6.

Question No. 5: The United States has more nuclear weapons today than it did 20 years ago. Do you think that is true or false?

All: True, 89; false, 8; don't know, 3.

Question No. 6: The U.S. nuclear arsenal has more explosive power than 20 years ago. Do you think that is true or false?

All: True, 91; false, 6; don't know, 2.

Question No. 7: Who has the stronger nuclear force—the United States or the Soviet Union?

All: U.S., 37; U.S.S.R., 44; don't know, 19.

Question No. 8: Which country spends more on its military forces today—the United States or the Soviet Union?

All: U.S., 31; U.S.S.R., 59; don't know, 10.

Question No. 9: Who has a stronger military right now—the United States or the Soviet Union?

All: U.S., 36; U.S.S.R., 50; don't know, 14.

Question: No. 10: What percentage of this country's total economic output do you think now goes to national defense—under 10%, 10-20%, 21-30%, 31-40%, 41-50% or over 50%?

All: Under 10%, 5; 10-20%, 23; 21-30%, 24; 31-40%, 18; 41-50% 10; over 50%, 12; don't know, 7. (The correct answer is: Under 10%.)

Question: No. 11: What percentage of every dollar the Federal government spends goes to defense—under 10%, 10-20%, 21-30%, 31-40%, 41-50%, 51-60%, 61-70% or over 70%?

All: Under 10%, 6; 10-20%, 20; 21-30%, 23; 31-40%, 18; 41-50% 12; 51-60%, 6; 61-70%, 3; or over 70%, 2; don't know, 10. (The correct answer is: 21-30%.)

Question: No. 12: In general, do you think that spending on defense should be increased, decreased or kept the same?

All: Increased, 27; decreased, 31; kept same, 39; don't know, 3.

Question: No. 13: The Strategic Defense Initiative, or SDI, is a research program to develop a system to destroy incoming nuclear missiles before they reach their targets. Do you favor or oppose the U.S. going ahead with the research and development phases of the SDI?

All: Favor, 77; oppose, 20; don't know, 3.

Question: No. 14: If such a system could be developed, would you favor or oppose setting up the SDI system in the United States?

All: Favor, 74; oppose, 19; don't know, 7.

Question: No. 15: Do you see the SDI as a new weapon or as a way to limit the usefulness of nuclear weapons?

All: New weapon, 29; limit, 60; don't know, 11.

Question: No. 16: Do you think that the SDI should be used primarily to protect cities from attack, primarily to protect our missiles from attack or for both purposes equally?

All: Cities, 16; missiles, 4; both, 75; don't know, 6.

Question: No. 17: In general, do you think the Strategic Defense Initiative would make the world safer, less safe, or would it not make much difference?

All: Safer, 49; less safe, 8; no difference, 40; don't know, 3.

Mr. WALLOP. Mr. President, I also ask unanimous consent that a brief news release of the American Defense Preparedness Association on their awards for superior work in the strategic defense initiative be printed in the RECORD.

There being no objection, the news release ordered to be printed in the RECORD, as follows:

DR. TELLER AND GENERAL RANKINE RECEIVE TOP STRATEGIC DEFENSE INITIATIVE AWARD

The American Defense Preparedness Association (ADPA) announced today that Dr. Edward Teller and Air Force Major General (select) Robert R. Rankine, Jr., were the recipients of the prestigious ADPA Stragetic Defense Award for 1986. They were presented at the second annual Strategic Defense Initiative (SDI) Technical Achievements Awards Banquet on March 4 in Washington, DC., at the Washington Hilton Hotel.

Dr. Teller, member of the White House Science Council and a pioneer physicist, has been one of America's earliest and most stalwart supporters of the President's SDI program. He developed many of the advanced principles that form the basis for the wide-ranging SDI research and development program now underway throughout the country.

Gen. Rankine also received the ADPA Strategic Defense Award for his contributions to the SDI program since its inception in 1983. He developed the basic organization, and was its first Director from September 1983 until April 1984. Currently, General Rankine is the Director of Space Systems, Command, Control and Communications, for Headquarters, U.S. Air Force.

KEMP KEYNOTE SPEAKER

The keynote speaker for the second annual SDI Awards Banquet was Rep. Jack Kemp (R-NY), one of the most ardent supporters of the President's SDI program. More than 700 industry and government officials were in attendance for his remarks on the SDI program.

OTHER AWARD WINNERS

McDonnell Douglas Astronautics Company, Huntington Beach, CA, received the Strategic Defense Technical Achievement Award for the Delta 180 Project. On Sept. 5, 1986, the Delta 180 space launch vehicle, manufactured by McDonnell Douglas, was successfully launched on its maiden flight only 16 months after project initiation.

Captain Mark Welty of Patrick Air Force Base, FL., received the SDI Director's Award for work on the Delta 180 experiment, the first operational space detection and intercept mission. Lt. Gen. James Abrahamson, Director of the SDI Organization, presented the award to Captain Welty. Welty performed as the Delta 180 Network Support Manager for the Eastern Test Range, Patrick Air Force Base, during the experiment.

The SDI Laboratory Award was won by the Air Force Geophysics Laboratory, Hanscom Air Force Base, MA. Mr. Donald R. Smith, representing the laboratory, accepted the award for a project known as SPIRIT, which involved developing and successfully flying in space the first of a new generation of high resolution and sensitivity long-wave infrared radar spectral sensors. One of the sensors was launched in April 1986 from Poker Flat Research Range, Alaska.

TECHNICAL ACHIEVEMENT AWARDS RUNNERS-UP

Flexible Lightweight Agile Guided Experiment (FLAGE): Major General Eugene Fox, Vice Commander of the U.S. Army Strategic Defense Command, Huntsville, Ala., represented the government and industry team receiving recognition for the successful FLAGE flight on June 27, 1986. The flight, conducted at the White Sands Missile Range in New Mexico, culminated in a FLAGE vehicle destroying an incoming aircraft-launched, ballistic cone-shaped object at 12,000 feet above the ground.

Rapid Retargeting and Precision Pointing (R2P2) Facility: The R2P2 system is a National Test Facility for the development and evaluation of SDI Acquisition, Tracking and Point (ATP) systems, Martin Marietta Aerospace, Denver, CO, developed the facility and opened it on Dec. 19, 1986, a completion date established 18 months prior.

RUNNERS-UP FOR THE SDI LABORATORY AWARD

A joint effort by Harry Diamond Laboratories, Adelphi, Md.; Sandia National Laboratories, Albuquerque, NM; and Los Alamos National Laboratories, Santa Fe, N.M., took place in the Harry Diamond Laboratory, Aurora facility. The experiment involved an electron beam from one arm of a radiation generator being used to develop a multi-gigawatt burst of microwave radiation. The experiment in September 1986 resulted in the generation of new world record power levels of 44 gigawatts average power and more than 200 gigawatts of peak power.

The Marquardt Company of Van Nuys, CA, was honored for its development of a new generation of propulsion valves, which resulted in a new industry standard in miniature valve components. Mr. Horst Wichmann was the engineering manager, and accepted the award for The Marquardt Company.

SDIO AND ADPA

The presentation of the SDI Award combines the efforts of the SDIO, directed by Lt. Gen. James Abrahamson, and the ADPA, headed by General Henry Miley, U.S. Army-Ret.

The SDIO was formed to manage and direct research into the feasibility of a nuclear ballistic missile defense system. In 1983, President Reagan challenged scientists to develop technologies which could "intercept and destroy strategic ballistic missiles before they reached our own soil or that of our allies." Shortly after that, the SDIO was formed.

The American Defense Preparedness Association was established in 1919, and sponsors approximately 50 meetings each year to discuss developments and issues in military preparedness. ADPA has its headquarters in Arlington, VA, and focuses on increasing the cooperation between government and industry to guarantee a healthy, responsive military production base.

Mr. WALLOP. Mr. President, I again suggest to my colleagues that we listen to the counsel of those whom we propose to represent and begin to defend Americans.

Mr. President, I yield the floor.

THE COUNCIL ON COMPETITIVENESS REPORT

Mr. BAUCUS. Mr. President, one of the main responsibilities of government is to provide for American national security. National security means not only military security, but also economic security.

In fact, Mr. President, our country will ultimately be only as strong militarily as we are economically. A stronger American economy means increased productivity. It means better, higher paying jobs for more Americans. It means reversing the trade deficit that we have with Japan and other major industrial countries. It means a whole host of actions we have to take, if we are going to be not only strong generally but also provide an increased standard of living for ourselves and our children.

To that end, Mr. President, we Americans have to be more competitive in the world than we have been during the last dozen or so years. It is a complicated problem. It requires a comprehensive solution.

We need a three-pronged attack. We must obtain greater access to foreign markets. We must reduce the Federal budget deficit. And we must boost economic productivity.

The goals cannot be accomplished by Government alone. It will take a cooperative effort among many elements of our society.

That is why the work of the Council on Competitiveness is particularly important. The council consists of representatives of businesses, unions, and education groups who have joined together to address the competitiveness crisis.

Yesterday, the council released an important report entitled "America's Competitive Crisis: Confronting the New Reality." This report eloquently describes the nature of the crisis, and makes solid recommendations about how it should be addressed. I urge my colleagues to read it closely.

I ask unanimous consent that the text of the executive summary be printed in the RECORD following Senator CHAFEE's statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. Mr. President, I am pleased to join with my colleague Senator BAUCUS, in placing in the RECORD the executive summary of a report that the Council on Competitiveness released yesterday. The report, "America's Competitive Crisis: Confronting the New Reality," analyzes the economic and structural causes of the problem.

Senator BAUCUS and I are cochairmen of the Congressional Competitiveness Caucus and thus we wanted to bring this material to the attention of our colleagues, many of whom are members of the caucus. The executive committee of the caucus met today to discuss the legislative agenda of the caucus, which we plan to announce on April 27, 1987.

I hope that my colleagues will find these two reports of the Council on Competitiveness, as well as the forthcoming recommendations of the caucus, helpful as we grapple with the increasingly important problem of improving our international competitiveness.

EXHIBIT 1

AMERICA'S COMPETITIVE CRISIS: CONFRONTING THE NEW REALITY

(A Report by the Council on Competitiveness)

EXECUTIVE SUMMARY

In setting the stage for an extended discussion on competitiveness, four preliminary observations are critical. First, it must be recognized that the trade deficit is only part of the problem and its resolution is only part of the solution. Second, America's competitiveness problems are long-standing, dating back to the 1960s and 1970s. Third, America's competitiveness crisis is complex, calling into question such long-time U.S. strengths as productivity growth and technological innovation. Fourth, competitiveness is a basic pocket-book issue directly related to our standard of living. Just as all sectors of U.S. society contributed to the competitiveness problem, all must work together to restore America's competitive advantage.

Defining competitiveness

Efforts to restore America's competitive position must proceed from an accurate definition of what competitiveness is. Otherwise, public policies and private sector initiatives could very likely address the wrong problems, with potentially disastrous consequences for American producers and consumers alike.

The Council endorses the definition offered by the President's Commission on Industrial Competitiveness in 1985: "[Competitiveness is] the degree to which a nation, under free and fair market conditions, produces goods and services that meet the test of international markets while simultaneously maintaining and expanding the real incomes of its citizens."

The U.S. competitiveness problem has three dimensions: (1) longstanding structural problems, such as declining productivity growth, slow commercialization of new discoveries, and inadequate human resource development; (2) macroeconomic policies that drove up the value of the dollar between 1980 and 1985, and exacerbated these long-term structural problems; and (3) the trade and economic policies of our foreign competitors.

The recent decline of the dollar will help U.S. producers compete. So will an aggressive trade policy that promotes U.S. commercial interests at home and abroad. It is critical to understand, however, that competitiveness is not simply the ability to sell abroad or to maintain a sustainable trade position at some exchange rate. The very poorest nations often boost exports just by significantly devaluing their currencies. The consequences, however, are sharp declines in relative wages and relative standards of living—a high price to pay. The complexity and severity of the problem require the United States to focus on both macroeconomic and structural solutions. Productivity growth, technological innovation, the quality and design of products, and an educated and motivated workforce are all critical to enhanced competitiveness.

Measuring America's performance

Just as competitiveness cannot be simply defined, neither can it be simply measured. The long-term erosion of American competitiveness does not show up completely in any single measurement, but rather is demonstrated by several indicators. Together, they paint a portrait of a decline that began more than 20 years ago.

Wages, Income and Profits. Although trade figures receive the most attention and have prompted the most alarm over America's competitiveness crisis, there are several signs that the broadest and most meaningful overall indicator is America's standard of living. The U.S. standard of living has been growing much more slowly than in the past, and real wages have actually declined. From 1973-1985, real average hourly wages in all nonagricultural sectors in the United States fell by about 5 percent. Since 1979, corporate profitability has also decreased. Furthermore, the new jobs created in the United States from 1979-1985—in some areas of the services and retail trade sectors, for instance—pay on an average far less ($272 weekly wage) than did the jobs that were lost ($444 weekly wage).

Productivity. Over the past 25 years, productivity growth in the United States has been significantly lower than in many other advanced industrial nations. Preliminary estimates indicate that in 1986 U.S. business sector productivity growth increased by only 0.7 percent. For nonfinancial corporations, productivity growth in 1986 was zero. The aggregate U.S. productivity level remains the highest in the world, but U.S. producers' once-substantial advantage has narrowed considerably or disappeared altogether in a number of key sectors—such as steel, autos, machine tools and semiconductors.

Merchandise Trade. The United States did not register a merchandise trade deficit in this century until 1971. Since then, however, U.S. trade deficits have risen dramatically. The 1986 deficit was $170 billion, up 20 percent from 1985. The deterioration in our trade position was most pronounced in manufactured products, which account for three-fourths of all U.S. trade, and extended even to high-technology manufactured products, which posted the first deficit ever in 1986.

Current Account. The 1986 current account deficit is $140 billion, up from the record $118 billion deficit in 1985. As a result of five years of living and consuming beyond its means, the United States has seen its 1981 current account surplus of $6.3 billion turn into a $140 billion deficit. The United States has gone from a net creditor, with $150 billion of foreign assets in 1982, to a net debtor, with $220 billion of foreign debt in 1986. It is estimated that U.S. foreign debt could increase to between $500 and $800 billion by 1990.

Technology. Technology is critically important to U.S. competitiveness, both as it is transformed into marketable products and as it is used to improve productivity. Yet, there are a number of signs that U.S. technological superiority is being eroded.

The United States continues to spend far more on R&D than any other nation, but both Japan and West Germany spend a greater percentage of their national incomes on civilian R&D than the United States. In addition, the United States is having difficulty translating its scientific breakthroughs into commercially successful products.

The federal investment in R&D facilities and equipment has declined 95 percent in the past twenty years, although some improvement has occurred since 1984. The growth in R&D spending by U.S. companies has increased from the low levels of the 1970s, in part due to the R&D tax credit, but the growth has been even higher in Japan and West Germany.

The share of U.S. patents going to American citizens has been declining since the mid-1960s and reached a new low in 1986, when foreign nationals received almost half (45 percent) of U.S. patents. And despite recent improvements, the United States continues to trail its major competitors, Japan and West Germany, in the number of engineers and scientists per capita.

Human Resources. Increased productivity and technological innovation depend directly on educated, skilled and motivated people. There are many indications, however, that the United States is not doing an adequate job of educating students, training current employees and retraining dislocated workers.

Tens of millions of American adults (some estimate 20 percent of the total) are functionally illiterate. More than one-quarter of today's high-school students drop out before graduation. A recent study of reading skills of 17-year-olds found that less than half performed at higher than basic or intermediate levels. A separate study of math skills showed that U.S. twelfth-grade students significantly trailed their foreign counterparts. There are now approximately two million displaced American workers in the United States.

Although 75 percent of the current workforce will still be working in the year 2000, programs to upgrade their skills through training are inadequate. Continuing labor-management tensions in some areas help contribute to low U.S. productivity, as do inadequate reward systems and incentives.

Capital Formation. The availability of sufficient capital, plus the willingness to invest it aggressively in new factories, research facilities, automation and the like, is essential to the nation's competitiveness. The United States is failing to keep up with its major competitors in several critical areas.

The enormous and growing Federal budget deficit has affected capital formation by driving up interest rates and by siphoning off resources that could be used more productively. Over the past decade, the U.S. discount rate has been significantly higher than those of West Germany and Japan. Although U.S. interest rates have been halved in the past four years, foreign interest rates also have declined. America's gross fixed capital investment (as a percentage of Gross National Product) fell further behind that of its major international competitors in 1985. Despite the late 1986 surge in orders, overall business spending on new plant and equipment fell 1.7 percent from 1985 levels. The gross private savings rate in the United States remains well below the levels of foreign nations, as does the personal savings rate, which reached a new low of 3.9 percent of disposable income in 1986.

Federal policy implications

The growing acknowledgement of the competitiveness problem increases the likelihood of new policy initiatives. The danger in policy formulation is no longer insufficient attention to the problem, but excessive reliance on competitiveness as an umbrella under which to promote a number of often-conflicting policies, many of which have little or nothing to do with competitiveness and some of which may actually harm it.

Although the first order of business is to address the macroeconomic policies that have resulted in currency misalignment, it is not enough simply to change macroeconomic policies. The U.S. government should develop a trade policy that better safeguards U.S. interests in an economic environment where foreign government intervention has become commonplace. Government must also develop policies that can better promote the effective development and use of America's abundant technological and human resources. In adopting these changes, government will be fulfilling its obligation to create an environment that is conducive to private sector productivity.

Federal Budget Deficit.

The first step must be a sustained and substantial reduction in the federal budget deficit. Otherwise, simultaneous efforts to reduce the value of the dollar and stem the inflow of foreign products will be ineffective: domestic interest rates and inflation will increase, leading to further reductions in the standard of living. In reducing the federal deficit, policymakers must be careful not to erode long-term competitiveness in the name of short-term fiscal frugality. For instance, tax increases that further reduce business incentives to invest and innovate or expenditure cuts concentrated on productive human resource development, R&D support, and programs that enhance productivity could be counterproductive.

International Economic Policy. A more effective mechanism for coordinating macroeconomic policy and exchange rates among advanced industrial countries must be developed to prevent the massive trade imbalances that are politically and economically unsustainable. A credible U.S. deficit-reduction package will help facilitate the ongoing efforts of the Group of Five (United States, Japan, West Germany, Great Britain and France).

Similarly an effective solution to the Third World debt crisis has not been implemented. The result has been a continuing deterioration of the debt situation in many lesser developed nations and a continued deterioration in the U.S. trade position with these countries.

As the world's largest economic power, the United States must continue to take the lead in improving multilateral trade agreements. American efforts to initiate and shape a new round of GATT negotiations are important steps in moving toward the creation of a more open trading system. Special emphasis should be placed on improving the operations of current rules and expanding coverage to sectors such as services, and special attention to issues of intellectual property and direct foreign investment.

Domestic Trade Policies. The Council is encouraged by the growing recognition of the importance of trade to the nation's overall well-being, and by ongoing efforts of the Congress and Administration to develop a trade policy that better safeguards U.S. commercial interests, trade must become a national priority, not just today, but in the future, and active implementation and enforcement of U.S. trade rights must become a hallmark of U.S. trade policy.

Technology Policies. A number of policy improvements have been made to enhance the development and diffusion of U.S. technology. Reductions in antitrust barriers have encouraged greater cooperation in the private sector. Steps have been taken to improve the protection of U.S. intellectual property and to increase government funding of basic research. The Administration and Congress are currently examining recommendations in several broad areas: improve R&D collaboration among corporations and between the business and higher education sectors; improved transfers of federal funded technology to the private sector; increased financial support, through direct funding or tax incentives; and enhanced scientific literacy. There has been no action to boost tax incentives for R&D investment.

HUMAN RESOURCES POLICIES

Several positive initiatives have been adopted or are being considered that would enhance the ability of American workers to improve their contribution to U.S. productivity. The Council is especially encouraged by the number of state and local efforts to improve the primary schools; by the fact that the Administration and Congress are committed to developing an adjustment policy for dislocated workers; and by the number of new Engineering Research Centers administered by the National Science Foundation. The Council is disturbed, however, by the proposed reductions in college student aid and vocational education.

Private sector initiatives

U.S. corporations, colleges and universities, and labor unions have a primary responsibility for restoring American competitiveness. Mobilizing the full capabilities of workers, investing capital wisely, picking markets strategically, educating and training people broadly and managing assets prudently—all are the ultimate responsibility of the private sector. Unfortunately, too few have recognized the severity of the competitive crisis or responded sufficiently. Efforts to translate research breakthroughs into commercial products are inadequate; labor-management antagonisms in some areas remain unacceptably high; product quality by the standards of the new competition remains unacceptably low; and the United States needs to do more in the area of manufacturing technology.

Nevertheless, improvements have been made. Among the more promising signs are: the expanded number of partnerships and joint ventures involving business, higher education and labor; more cooperative labor-management relations; a new focus on productivity growth; the increased use of advanced technology to improve production; and adoption of innovative management and marketing techniques by small, medium and large companies alike.

Change will not occur overnight. And simply improving on past performance will be insufficient—given that America's foreign competitors are constantly improving, too.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. I thank the Chair.

RECESS UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, while awaiting the arrival of one more speaker, I believe, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

THE DEATH OF JAMES L. BONDSTEEL

Mr. MURKOWSKI. Mr. President, I rise to express the sorrow that the untimely death of Jim Bondsteel causes for me and for all Alaskans who knew him or knew of him. Jim was killed last week in an automobile accident.

Jim was not afraid to die. He proved that long ago in the An Loc Jungle of Vietnam, where his heroism and valor earned the Nation's highest decoration: The Medal of Honor. He also proved, in both his military career and in his service to Alaska veterans as a VA readjustment counselor and as a Veterans' benefits counselor, that he

was committed to the service of his fellow men and women.

Nor was Jim afraid to live. There can be no greater affirmation of life than assuming the joy and responsibility of being a spouse and parent. Jim's family, like his career, provides eloquent testimony to the depth of his commitment of life.

Mr. President, I join Alaska in mourning the death of this fine young man. My sadness is only slightly tempered by the pride I take in knowing that Jim's life is evidence that America continues to produce men and women of the high caliber we will need to succeed in the very competitive world in which we live.

On behalf of all Alaskans who knew Jim and were touched by him, I express my deepest condolences to his family.

Thank you, Mr. President.

ANWR

Mr. MURKOWSKI. Mr. President, I wish to call my colleagues' attention to a report just completed by the Department of the Interior on the Coastal Plain of the Arctic National Wildlife Refuge—Commonly referred to as "ANWR." That report compiles the results of 5 years of study of the wildlife and oil and gas resources of the Coastal Plain. Based on those studies, Secretary Hodel has recommended that Congress authorize oil and gas exploration on the Coastal Plain of ANWR.

The Alaska National Interest Lands Conservation Act of 1980 [ANILCA] set aside more than 100 million acres in Alaska as national wildlife refuges, parks, and wilderness areas. One of the areas set aside was ANWR, encompassing some 19 million acres, 8 million of which are designated wilderness. Because of the important wildlife values and potentially enormous oil and gas resources of ANWR's 1.5 million acre Coastal Plain, Congress expressly left open the question of whether to permit oil and gas exploration in that area.

After more than 5 years of biological baseline studies, surface geological studies, and two seasons of seismic exploration surveys, the Department of the Interior has concluded that ANWR's Coastal Plain is the most promising onshore oil and gas prospect in the United States. It has also concluded that oil and gas exploration and production activities can be successfully carried out in a manner compatible with protection of the area's significant wildlife values.

Mr. President, the Department of the Interior's report is another comformation of an assertion I have made before—that the issue on whether to allow oil exploration on ANWR's Coastal Plain is not an issue of oil versus caribou. We have proven, with over 20 years of experience at Prudhoe Bay, that we can have both resource development and protection of the Arctic environment. The caribou will not be sacrificed if we elect to take an inventory of the oil and gas resources in this very promising area.

In this regard Mr. President, I ask unanimous consent that the transcript of a conversation I had with Dr. Thomas Bergerud be printed in the RECORD. Dr. Bergerud, a professor at the University of Victoria in British Columbia, is widely recognized as the leading caribou biologist in the world. He is of the opinion that oil and gas exploration and production can occur on the Coastal Plain of ANWR without a detrimental impact on the caribou.

I also direct my colleagues to a sampling of the press reaction to the Department of the Interior's report. I ask unanimous consent that the text of a New York Times editorial, entitled "In Alaska, Drill, But With Care," and a Washington Post editorial entitled, "Caribou Versus Motorist," be printed in the RECORD. Both of these editorials endorse the Secretary's recommendation to proceed with exploration of the Coastal Plain of ANWR.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF A CONVERSATION BETWEEN DR. TOM BERGERUD OF THE UNIVERSITY OF VICTORIA, BRITISH COLUMBIA, AND SENATOR FRANK H. MURKOWSKI

FM: Dr. Bergerud, I understand that you have devoted a good portion of your life to research on caribou. Can you tell me a little bit about your background and the observations you've made on the caribou in various areas of the world.

TB: Well, I've been working with caribou since 1955. I was a chief biologist in Newfoundland for many years and then the director of the game department.

I worked with the Newfoundland herds, then I worked with the Labrador herds, the herds in Quebec, Ontario and lately in British Columbia and the Northwest Territory. I've had one field in Alaska.

I spent 22 years on the calving grounds when the cows were giving birth. I spent 19 years with the animals during the rut. I've devoted my whole professional life to the well being of the species.

FM: You've been quoted as calling caribou one of the world's most adaptable animals. Could you elaborate a little bit about what you mean or is that a fair statement?

TB: Well, they're not the world's most adaptable, but they're very highly adapted to the Arctic environment and they are also adaptable. They can make plastic responses, they can adapt to man establishing buildings and so forth in their area.

They can tolerate being near man. In fact, reindeer which is the same species as caribou, is one of the animals that man has been able to domesticate. So they certainly are adaptable—they're able to take great extremes in the environment and their natural environment being so tough—I mean that is why they have prospered because they have been able to come up with these adaptations.

FM: I'm interested in the question of activity associated with oil and gas exploration in the area of caribou habitat or in their calving ground.

What happens when there's exploration in an area where they traditionally come to calve?

TB: Well, the calving grounds of most of the big herds are on the northern edge of the annual distribution of the herds.

There is a debate about why caribou go to calving grounds and I think that is very important in trying to understand what would be the significance of the development on the calving grounds.

The paper that I've been publishing and is becoming more generally accepted is that caribou go to calving grounds as an antipredator strategy. They go to the very northern edge of their range and this allows them to get away from wolves. Wolves usually den along tree lines, so that is the most important thing to keep in mind.

The caribou are going to calving grounds in my view to escape wolves not because there is some unique food supply or forage there. Some people would say that if we displaced caribou from an area they are going to decline. And usually this is based on a view that they think that the food resources are critical on these calving grounds and in fact I've done some studies up in Alaska on the calving grounds and can show that actually the food is quite poor. Where the bulls are, south of the calving grounds, the food is much better and if the cows were really interested in food supply they would have stayed back with the bulls. But, they've gone up to get away from the predators.

Now because they're worried about predators they are liable to disturbance—when they see a vehicle coming down the road it represents a predator to them. They are not disturbed by the road without the vehicle. We can expect that if we have a road with traffic in a calving ground that the bulls will probably pay little attention to the road but that the cows will move back perhaps a mile from the road and then they will resume their normal activities.

In fact, we don't want the caribou to habituate to the traffic because in fact this is their natural predator response.

FM: Do I understand you to say that the mere presence of roads, drilling pads, and drill rigs will not necessarily displace the caribou? Rather, it is the activity associated with those structures—men and vehicles working, etc.—which may cause the caribou to move away from the area. If the men and the vehicles weren't there, the fact that there was a road or a pad wouldn't necessarily disturb the caribou?

TB: It's the disturbance that causes them to be displaced, if they are going to be displaced. It doesn't necessarily need to be traffic.

One person did a study up there on the Central Arctic Herd and he made a fence and he had burlap bags hanging on the fence. When the bags flapped in the wind, the caribou avoided this fence, in my view because it resembled a predator.

If you have things that look like predators it's the predator response on the road that makes them peel away.

Now this is mostly the cows and the calves. The bulls are not nearly as shy of predators. They actually go into the willow valleys to feed. That's what they have to do to get big and breed females. The female has to stay away from predators so her calf will live.

And even if there's a lot of traffic on the road, the displacement is only a mile on each side of the activity. So if we do want to

keep all the traffic going, we will lose a strip of occupation of about two miles wide.

The big thing is that we don't have a barrier. I don't see why we should worry about this two miles on each side because the range is not limiting.

If there was so much traffic when the herd was migrating so that they didn't go across, then they would stay south. And if they stayed south, in the case of the Porcupine, it would mean they would stay closer to the foot hills. And if they stayed closer to the foothills there would be more predation because that's where there are more bears and wolves.

If we monitor the percent calves—even if they are displaced—and we are prepared to manage the predators, we can always have positive recruitment. And the herd can continue to prosper.

FM: How does noise associated with the activities of man affect the caribou?

TB: Right now in Ongava (sp?) the NATO exercise roar over the caribou with jets. People are all upset, but I've looked at a lot of caribou with noise.

I was in the Delta Herd in Alaska. That herd is near an army base. Right at calving time the army people used to come out with their big Huey helicopters which really look sinister at very low elevations and the caribou were so habituated to this noise that they didn't even stand up.

I've also watched caribou when dynamite has gone off. If the noise doesn't have any impact on their well being, they habituate with it. If you roar up to a caribou in a ski-doo and start shooting at it, then the noise of a ski-doo has very dire consequences for them and they will not habituate to it.

But a noise of a feeder station or an airplane that does not result in any further consequences but the noise, they will soon habituate to it and will pay it little mind.

FM: Do you know of any areas where caribou are currently in close contact with the activities of man?

TB: I was over in Norway once in 1979 and I watched a caribou herd right in the middle of Army maneuvers. In Norway they maneuver in the national parks in unusual situations. The caribou were paying no heed to this.

The Central Arctic herd next to the Porcupine herd of course has a tremendous amount of development—pipes and feeder lines and so forth, and that herd has prospered; increasing from some 3,000 to 15,000 during the development. I think that's the acid case that shows that caribou can co-adapt to this.

They cannot co-adapt to being over harvested, but they can certainly take living side-by-side with an ethical man.

Now what often happens is when we have these developments we upset the predator-prey relationship. Wolves run up and down the TAPS highway on the Central Arctic herd. So sometimes we upset the balance not through what is disturbance, but because we have given a benefit to the predator.

Sometimes it will work the other way. The bears and the wolves stay away from the development, stay away from the calving ground and the caribou actually prosper.

The survival of calves on the Central Arctic herd has been very high since development and this coincides with a reduction in the wolves because of greater hunter access.

FM: Doctor, I want to thank you very much. You have provided an unique insight based on your 32 years of observing the caribou all over the world. We very much appreciate your thoughtfulness in giving your views and actual experience in observing this tremendous resource of all of North America and Europe. Undoubtedly we will have a chance to call on you again. Thank you.

[From the New York Times, Apr. 23, 1987]

IN ALASKA: DRILL, BUT WITH CARE

Alaska's Arctic National Wildlife Refuge is an untouched and fragile place that supports rare mammals and myriad species of birds. It is also the most promising untapped source of oil in North America. Should America drill for it?

What Congress decided, in 1980, was not to decide. It ordered a long study. The assessment is now in, and for Interior Secretary Hodel the decision isn't even close: leasing drilling rights to oil companies is "vital to our national security" because it "would reduce America's dependence on unstable sources of foreign oil."

Mr. Hodel is guilty of oversell. A single discovery can't save us from increasing dependence on Persian Gulf oil. But the potential economic benefit of development—perhaps tens of billions of dollars of oil—outweighs the risks. The unanswered question is whether environmentalists and developers can cooperate to minimize damage to the refuge.

The Interior Department estimates that between 600 million and 9.2 billion barrels of oil are recoverable from a 20-by-100-mile strip along the Arctic coast. But no matter how carefully done, development of the coastal strip would displace animals and scar land permanently. Tracks of vehicles that crossed the tundra decades ago are still visible. No one knows whether the caribou herd that bears its young near the coast would stop reproducing or simply move elsewhere.

Adversaries in this battle view development as ecological catastrophe or energy salvation. Outsiders can wonder why such apocalyptic fuss. An unusal environment would surely be damaged, but the amount of land involved is modest and the animals at risk are not endangered species. A lot of oil might be pumped, but probably not enough to keep America's motors running for an entire year. Ultimately, policy makers must weigh the dollar value of the oil against the intangible value of an unspoiled refuge.

The most likely net value of the oil, after accounting for costs and assuming a future world price of $33 a barrel, is about $15 billion. How much an untouched refuge is worth is anyone's guess—but it's hard to see how it could realistically be judged worth such an enormous sum. If America had an extra $15 billion to spend on wilderness protection, it wouldn't be spent on this one sliver of land.

That doesn't mean, however, that developers should be permitted to treat the refuge as another Bayonne. Elaborate, necessarily expensive precautions are needed to contain the disruption. Human and machine presence can and should be kept to a bare minimum until test wells are completed. Dense caribou calving grounds should be left alone until the animals' response to change is gauged.

A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

[From the Washington Post, Apr. 23, 1987]

CARIBOU VERSUS MOTORIST

It's the caribou versus the motorist, again. Secretary of the Interior Donald P. Hodel has recommended opening part of the Arctic National Wildlife Refuge in Alaska to oil drilling. That was what the oil companies hoped he might do. A predictable shriek has gone up from the defenders of the refuge. The decision is up to Congress.

Environmental quarrels always seem to generate billowing exaggeration. Another major oil discovery in Alaska would certainly be convenient, postponing the effects of the decline in Prudhoe Bay production that the government expects within the next year or so. But it's not quite so vital as Secretary Hodel suggests. With or without more Alaskan wells, oil production in this country is likely to stay on a downward trend.

As for the caribou, however, oil drilling seems very unlikely to be the dire threat to them that their friends here in Washington claim. While the two cases are not entirely comparable, the Interior Department points out that the number of caribou around Prudhoe Bay, 60 miles west of the refuge, has tripled in the 19 years since oil operations began there. The aesthetic objections to oil drilling may be substantial, but the caribou do not seem to share them.

Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. The area that Mr. Hodel would open to drilling is 1.5 million acres, running about 100 miles along the state's north coast near the Canadian border. He points out that adjacent to it is an area five times as large that remains legally designated as wilderness, putting it off limits to any development whatever.

Human intrusion on the scale of oil exploration always makes a difference in a landscape. But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other where drilling would have less impact on the surrounding life.

Drilling in the Arctic Refuge is not crucial to the country's future. But there is a respectable chance—about one in five, the department's geologists say—that exploration will find enough oil to be worth producing commercially. That oil could help ease the country's transition to lower oil supplies and, by a small but useful amount, reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of the secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations

which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

CHANGES TO UNIFIED AND SPECIFIED COMBATANT STRUCTURE MESSAGE FROM THE PRESIDENT—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with Section 161(b) of Title 10, United States Code, this is to inform you of changes to the unified and specified combatant structure which I have recently approved.

(1) Establishment of the unified U.S. Special Operations Command (USSOC).

(2) Establishment of the specified Forces Command (FORSCOM).

(3) Establishment of the unified U.S. Transportation Command (USTRANSCOM).

(4) Disestablishment of the specified Military Airlift Command (MAC), to be accomplished upon the certification of CINCTRANS to the Secretary of Defense and the Chairman, Joint Chiefs of Staff, that TRANSCOM is fully operational.

(5) Disestablishment of the unified U.S. Readiness Command (USREDCOM) with transfer of designated functions to U.S. Central Command, U.S. European Command, U.S. Southern Command, U.S. Transportation Command, and Forces Command.

RONALD REAGAN.

THE WHITE HOUSE, *April 23, 1987.*

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on April 10, 1987, he had approved and signed the following enrolled joint resolutions:

S.J. Res. 18. Joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week";

S.J. Res. 64. Joint resolution to designate May 1987 as "Older Americans Month"; and

S.J. Res. 74. Joint resolution to designate the month of May 1987 as "National Cancer Institute Month".

MESSAGES FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 1846. An act to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes;

H.J. Res. 32. Joint resolution designating the month of May 1987 as "National Child Safety Awareness Month";

H.J. Res. 67. Joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week";

H.J. Res. 108. Joint resolution designating May 17, 1987, through May 23, 1987, as "Just Say No to Drugs Week"; and

H.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating May 3, 1987, and May 1, 1988, as "Solidarity Sunday for Soviet Jewery".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 106. Concurrent resolution to recognize and congratulate Ducks Unlimited in honor of its 50th anniversary.

MEASURES REFERRED

The following joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 32. Joint resolution designating the month of May 1987 as "National Child Safety Awareness Month"; to the Committee on the Judiciary;

H.J. Res. 67. Joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week"; to the Committee on the Judiciary;

H.J. Res. 108. Joint resolution designating May 17, 1987, through May 23, 1987, as "Just Say No to Drugs Week"; to the Committee on the Judiciary; and

H.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating May 3, 1987, and May 1, 1988, as "Solidarity Sunday for Soviet Jewery"; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 106. Concurrent resolution to recognize and congratulate Ducks Unlimited in honor of its 50th anniversary.

MEASURES HELD AT THE DESK

Pursuant to the order of the Senate of April 21, 1987, the following bill was held at the desk pending further disposition:

H.R. 1846. An act to make certain technical and conforming amendments in the Higher Education Act of 1965, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHILES:

S. 1078. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to State and local educational agencies for dropout retention and recovery demonstration projects; to the Committee on Labor and Human Resources.

By Mr. McCAIN:

S. 1079. A bill for the relief of Jose M. Arvayo; to the Committee on the Judiciary.

By Mr. BOSCHWITZ:

S. 1080. A bill to amend the Automobile Information Disclosure Act to provide information as to whether or not certain motor vehicles are capable of using gasohol; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. KENNEDY, Mr. GLENN, Mr. HARKIN, Mr. MATSUNAGA, Mr. RIEGLE, Mr. DURENBERGER, Mr. LEVIN, Mr. SIMON, Mr. HOLLINGS, Mr. BOSCHWITZ, Ms. MIKULSKI, and Mr. BURDICK):

S. 1081. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the U.S. population and the nutritional quality of the U.S. food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committee on Governmental Affairs.

By Mr. THURMOND:

S. 1082. A bill to temporarily suspend the duty on tetra amino biphenyl until 1993; to the Committee on Finance.

By Mr. DeCONCINI:

S. 1083. A bill to delay implementation of the employer sanctions provision of the Immigration Reform and Control Act of 1986 by four months.

By Mr. FORD (for himself and Mr. JOHNSTON):

S. 1084. A bill to establish the amount of the costs of the Department of Energy's uranium enrichment program that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers; to the Committee on Energy and Natural Resources.

By Mr. GLENN:

S. 1085. A bill to create an independent oversight board to ensure the safety of U.S. Government nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the effects of radiation on human beings, and for other purposes; to the Committee on Governmental Affairs.

By Mr. MURKOWSKI:

S. 1086. A bill to require the United States Trade Representative to initiate an investigation of unfair trade barriers maintained by Japan against United States construction services; to the Committee on Finance.

S. 1087. A bill to eliminate unfair, restrictive, and discriminatory foreign practices in the marine transportation of automobile imports into the United States; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 1088. A bill to provide the Federal Trade Commission with authority to regulate the advertising of commercial airlines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRANSTON (by request);

S. 1089. A bill to amend title 38, United States Code, to improve the State Veterans' Home Grant Program; to the Committee on Veterans' Affairs.

S. 1090. A bill to amend title 38, United States Code, to provide authority for higher monthly installments payable to certain insurance annuitants, and to exempt premi-

ums paid under servicemen's and veterans' Group Life Insurance from State taxation; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG:

S.J. Res. 117. Joint resolution designating July 2, 1987, as "National Literacy Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURDICK (for himself, Mr. MITCHELL, Mr. BREAUX, Mr. CHAFEE, Mr. WALLOP Mr. BUMPERS, Mr. FORD, Mr. HOLLINGS, Mr. WARNER, Mr. GORE, Mr. PRYOR, Mr. CHILES, Mr. BOREN, Mr. PROXMIRE, Mr. LEVIN, Mr. LUGAR, Mr. DOLE, Mr. BIDEN, Mr. GRAMM, Mr. QUAYLE, Mr. KASTEN, Mr. SYMMS, Mr. MURKOWSKI, Mr. SIMPSON, Mr. DASCHLE, Mr. MCCLURE, Mr. DOMENICI, Mr. SHELBY, Mr. ARMSTRONG, Mr. SASSER, Mr. MCCONNELL, Mr. WIRTH, Mr. GRASSLEY, Mr. STAFFORD, Mr. INOUYE, Mr. ROTH, Mr. STEVENS, Mr. COCHRAN, Ms. MIKULSKI, Mr. BRADLEY, Mr. BAUCUS, Mr. BOND, Mr. DURENBERGER, Mr. GRAHAM, Mr. NUNN, Mr. GARN, Mr. HECHT, Mr. PELL, Mr. SARBANES, Mr. JOHNSTON, and Mr. THURMOND):

S. Con. Res. 52. Concurrent resolution to recognize and congratulate Ducks Unlimited, Incorporated, in honor of its 50th anniversary; to the Committee on the Judiciary.

By Mr. MELCHER (for himself and Mr. HEINZ):

S. Con. Res. 53. Concurrent resolution to authorize the reprinting of Senate Report 100-9, 100th Congress, 1st session; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 1078. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to State and local educational agencies for dropout retention and recovery demonstration projects; to the Committee on Labor and Human Resources.

DROPOUT RETENTION AND RECOVERY ACT

● Mr. CHILES. Mr. President, I am pleased to introduce today the Dropout Retention and Recovery Act of 1987.

The bill is similar to S. 1771 which I introduced in the 1st session of the 99th Congress to keep our youth, especially the disadvantaged, on a path toward opportunity, self-sufficiency, pride and accomplishment.

At a time when our economy and our Nation's competitive posture demands a better educated and more highly skilled workforce, our educational establishment is losing more and more of tomorrow's workers to the streets. They are lost to truancy, to lethargy, to crime, to teen pregnancy, to drug abuse, and worst of all, to hopelessness. The student dropout rate has grown to more than 25 percent, with the rate in some urban communities twice or three times that amount. If current trends continue, we will have a national dropout rate of 40 percent by the year 2000.

I believe my bill improves legislation currently under consideration in the Labor and Human Resources Committee. My proposal allows State educational agencies to apply for demonstration funds on behalf of one or a group of local educational agencies. School districts with the most dramatic dropout problems often need the most assistance in developing successful grant applications and successful dropout prevention programs. Rural areas especially need help. We must reach these communities to impact the dropout problem.

My bill requires that each school district applying for assistance submit the application to the State educational agency for review and comment. We need to ensure that local efforts do not duplicate or compromise State efforts. My bill also requires that each project develop a plan detailing how to meet the non-Federal share of program costs.

Effective efforts at dropout prevention require a comprehensive approach from schools, community leaders, families, and State and local resources. We must encourage cooperation among all parties. For this reason, my bill requires that each project appoint an advisory board broadly representative of the community. Ideally, a board will include representatives of schools, local employers, clergy, and other social services agencies.

This legislation authorizes a more intensive study of the dropout problem and finances it as a separate line-item appropriation. The $50 million in seed money is not a large investment when measured against the scope of the dropout problem. My approach maintains separate appropriations for the demonstration programs and the study. More importantly, I believe a 3-year study will provide us with a more informed analysis of "what works" in dropout prevention. The Department should have time and resources to gather new information and embark on the study immediately, rather than later.

Even more distressing than the national dropout rate are the staggering dropout rates found among a number of "at risk" populations. The dropout rate for black Americans in certain areas is more than twice that for whites. Statistics assert that chronic joblessness is concentrated among poor and minority youth who have dropped out of school. These trends show up in the staggering level of unemployment among black youth.

In 1972, the unemployment rate for black teenagers was 35 percent. The rate has now climbed to 43 percent. Only 6 of every 100 black teenagers not in school are employed full time. Between 1970 and 1983, 22 million new jobs were created but just 4,200—less than two hundredths of 1 percent of these jobs—went to black male youth. Statistically, black dropouts are less likely to return to school than white dropouts and are more likely to remain unemployed.

The situation proves even more troubling for Hispanic Americans. Studies show that while Hispanic Americans represent our youngest and fastest growing ethnic group, they are also far more likely to drop out of school than any other group. Immigrants seeking freedom and opportunity must often overcome both language and cultural barriers to persist and succeed in the American educational system. Recent reports from Miami, Houston, Los Angeles and New York indicate that far too few succeed.

While the scope of this problem is easily recognizable in our major cities, the dropout situation is not peculiar to urban areas. Former Kentucky Gov. Julian Carroll asserted during hearings in the 99th Congress that in his mostly rural State, 99 percent of male welfare recipients, 90 percent of female recipients, and 70 percent of prison inmates are former high school dropouts.

The dropout rate in my own State of Florida ranks among the Nation's worst. The U.S. Department of Education recently estimated that Florida's graduation rate ranks 49th in the Nation, with only 61.2 percent of students earning a high school diploma. The problem is as troubling in our mostly rural counties—St. Lucie County, Glades County, Jefferson County—as it is in Dade County. Our dropout rate worsens dramatically among migrant students, who, even if they remain enrolled, will attend only 75 school days each year.

Mr. President, we cannot sit by and accept such an appalling record. Our future workforce's declining capability is a time bomb waiting to go off. Japan, our chief competitor in the international marketplace, boasts a mere 2-percent dropout rate. Higher Japanese achievement levels clearly indicate that they are accomplishing more with a higher percentage of the school-age population than we are.

In the last 5 years, our economy has produced 8 million new jobs but 60 percent of these jobs pay an annual salary of $7,000 or less. This illustrates an important part of the dropout problem. As we try to reassert U.S economic power, we must develop an economy that offers an incentive to stay in school or return to school. We must offer our young people real opportunity. We cannot become a nation of hamburger flippers.

With the dropout problems, as with other domestic problems, we can pay

now or we can pay later. We can make a small investment in our education budget and try to stimulate a trend reversal. Or, we can pay later in expenditures for unemployment, income maintenance and other social services, and for law enforcement and correctional facilities. Ironically, it is much less expensive to invest additional funds to keep a student through 3 years at Miami Jackson High School than to keep an inmate for a 3-year sentence at the Miami Dade Correctional Center.

Yet, the Federal Government alone cannot solve the dropout problem. States and local communities share primary responsibility. But right now, State and local educational agencies are attempting to address the dropout problem without guidance on effective methods to prevent students from dropping out and to bring dropouts back to school.

The Dropout Retention and Recovery Act seeks to fill this vacuum. The act provides startup funds for model demonstration programs aimed at dropout prevention. At the same time, it authorizes a study to collect, evaluate, and disseminate information gained from these programs. My bill includes as a study topic the impact of school reform on the dropout problem. In my State and others, schools have tightened graduation requirements to improve high school achievement levels. Unfortunately, these reform efforts have accelerated the dropout problem among under-achieving, "at risk" youth. We must develop methods to help these students meet higher standards. The new projects will not merely duplicate State and local efforts. Federal funds will not supplant State and local dollars. In fact, the Federal share of program costs will decline each year and phase out completely after 3 years.

For some of our "at risk" youngsters, dropping out of school is the last stop on a rough road: Loss of interest or motivation, inadequate counseling, or inappropriate teaching methods. For others, dropping out is symptomatic of much larger problems: Drug abuse, involvement in crime or youth gangs, pregnancy, and poverty. Causes vary from student to student, school to school, and State to State. My bill is broad enough to encompass differences. It supports, where appropriate, programs that expand parental involvement, improve guidance and counseling services, and offer vocational options, staff training, day care services, remedial and basic skills programs, and extended day and summer programs.

I recognize that some innovative State programs show promise in addressing the dropout program. The youth opportunities unlimited initiative in Texas has demonstrated results in retaining over 90 percent of participating high-risk youth and encouraging a majority of program participants to pursue postsecondary education. The program utilizes job training partnership act funds, along with private resources and community-based organizations' support.

In my own State of Florida, the intensive learning alternative program in Hillsborough County coordinates efforts by the State department of health and rehabilitative services and the county school board to provide high-risk youth with special classes, peer counseling and increased parental involvement. New Directions High School in Sarasota County allows students to individualize their schedules, attending academic classes for half of the day and vocational training, volunteer work, or part-time employment during the other half.

Most of these promising initiatives combine school with community resources. The Dropout Retention and Recovery Act encourages applicants to coordinate efforts with local employers, community-based organizations, community colleges and other State and Federal efforts such as vocational education programs and projects funded under the Job Training Partnership Act.

As chairman of the Senate Budget Committee and the Appropriations Subcommittee responsible for the Department of Education, I insist that our education dollars be well spent. This legislation provides not only seed money for new projects but facilitates State and local contributions toward solving the dropout problem.

New projects may be criticized as too costly. Cumulative costs of special remedial instruction, counseling, day care, and job training may appear high for each student served or each dropout brought back to school and sent out into the job market. Even so, I expect a high return on the investment, and these efforts will cost less than the alternatives. If we point States and localities in the right direction and succeed in keeping more of our "at risk" youngsters in school, off the streets, out of trouble, and out of jail, then we will save in the long run. If we give more of these youngsters the kind of education and job training necessary for self-sufficiency—job skills to move them and the economy forward—we will save many times over.

The General Accounting Office reviewed the dropout prevention literature and found it severely lacking. The Congressional Research Service completed similar research and found no national data on dropout programs. A review by the National Academy of Sciences' National Research Council on evaluations of employment and training programs for youth confirms that little information exists on how to prevent youth from dropping out of school, encourage their reentry, or recruit and retain dropouts in "second chance" employment and training programs.

Mr. President, the dropout situation demands a national response—not a huge, expensive program but one that provides limited support to the best local solutions and spreads the word on what works and what doesn't. We cannot sit by and watch an underclass emerge. As a nation, we cannot afford to watch our human capital erode. We must redirect our economy to one that offers solid opportunity. We must redirect our youngsters toward chasing an achievable American dream. We can afford to do no less.●

By Mr. McCAIN:

S. 1079. A bill for the relief of Jose M. Arvayo; to the Committee on the Judiciary.

RELIEF OF JOSE M. ARVAYO

● Mr. McCAIN. Mr. President, today I am introducing a private bill for the relief of Jose M. Arvayo who, in 1979, at 5 months of age, was misdiagnosed by a staff physician at McConnell Air Force Base in Wichita, KS, where Jose's father was stationed. Instead of the correct diagnosis of bacterial meningitis the infant was said to have had a relatively harmless upper respiratory infection and sent home with his parents.

The following morning, the infant's condition had deteriorated drastically. His parents rushed the baby to the base hospital. The attending physician immediately recognized the severity of Jose's illness and sent him by ambulance to a civilian hospital. Following examinations by several physicians, the infant's condition was diagnosed as bacterial meningitis. The Arvayos were informed of the diagnosis and of the possibility that Jose could sustain permanent and severe central nervous system damage and mental retardation. However, no mention was made that the Air Force physician's failure to diagnose and treat properly Jose's condition during the previous day very possibly led to the severe consequences of his disease.

In 1981, the Arvayos, never suspecting the Government doctor's negligence, approached an attorney on a routine complaint involving a military medical insurance matter. Upon learning of the background of the complaint, the attorney recognized the possibility of the Air Force physician's negligence, and so informed the Arvayos. Following an investigation, they filed a claim for damages on behalf of Jose on December 16, 1981, nearly 3 years after the Government physician's negligent omission.

In the Federal district court, the Government introduced a motion to dismiss on the ground that the Arvayos had failed to file their claim in a

timely fashion as required by the Federal Torts Claims Act [FTCA], which stipulates a 2-year period. The Government contended that the limitations period commenced at the time of Jose's injury. The district court considered the motion and determined that the limitations period did not begin to accrue until the Arvayos learned of the Government physician's negligence. In the ensuing trial, the court found the Government negligent for failing to diagnose and treat bacterial meningitis in time. It further held that but for the Government's omission, Jose would not have suffered brain damage and mental retardation. The court found that a fair and compensatory award was the sum of $1.95 million for past, present and future hospital expenses, pain and suffering, and permanent disabilities.

The Government appealed the district court's decision to the Tenth Circuit Court of Appeals. The appellate court rejected all of the Government's aguments regarding the actual merits of the case. The court of appeals nevertheless reversed the decision on the issue of whether the limitations provision of the FTCA has run its course prior to the filing of Jose's claim.

The action of the tenth circuit's decision was to deny the Arvayos the only means which they had to support their son throughout his life. As a consequence of his illness, Jose has an intelligence quotient of only 20, meaning that at the age of 16 he will have developed to the level of a 3-year-old. The child will require continued medication for seizures and regular medical and mental examinations for the rest of his life. He will have to see a variety of physicians just to keep his body functioning. He will also require speech and language therapy to develop his ability to articulate sounds and understand language as he grows older. Jose's condition is permanent. The cost of this in emotional terms is beyond compensation. The cost in financial terms is well beyond the capacity of most people.

The court of appeals recognized the extent and severity of Jose's injuries and the hardship those injuries will place on his parents. It expressed regret that the Arvayos' otherwise most meritorious case had to be denied because of a mere technicality. In its opinion the court stated:

> It is with regret that our decision prevents any recovery by Jose and Tina Arvayo on behalf of their son, Jose, Jr. The damage to Jose, Jr., and the continuing pain and trauma for the entire family is a tragedy, not to speak of the financial hardships they will surely endure.

The court, in an extraordinary departure, included in its opinion a suggestion to the Arvayos that they appeal to Congress for private relief. The court simultaneously implored Congress to grant the suggested relief, given the unusual circumstances of this case and the particularly acute plight of the Arvayos.

Mr. President, the facts speak for themselves. I believe this desperate situation deserves our attention and resolution.

I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SATISFACTION OF CLAIM AGAINST THE UNITED STATES.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Jose L. Arvayo and Tina D. Arvayo on behalf of their infant son, Jose M. Arvayo, the sum of $1,950,000. Such sum was awarded in a judgment entered against the United States in *Arvayo* v. *United States,* Civ. No. 82-1611 (D. Kan. 1984), which was reversed in *Arvayo* v. *United States,* Civ. No. 84-1479 (10th Cir. 1985) on the ground that the claim of Jose M. Arvayo was not presented to the appropriate Federal agency within two years as required by section 2401(b) of title 28, United States Code. The payment of such sum shall be in full satisfaction of any claim of Jose M. Arvayo against the United States arising out of the failure of a physician of the United States Air Force to diagnose and treat bacterial meningitis afflicting Jose M. Arvayo.

SEC. 2. LIMITATION ON ATTORNEY'S AND AGENT'S FEES.

Not more than 10 percent of the sum appropriated by section 1. shall be paid or received by any agent or attorney for services rendered in connection with the claim described in such section. Any person who violates this section shall be fined not more than $1,000.●

By Mr. BOSCHWITZ:

S. 1080. A bill to amend the Automobile Information Disclosure Act to provide information as to whether or not certain motor vehicles are capable of using gasohol; to the Committee on Commerce, Science, and Transportation.

PROMOTING THE USE OF GASOHOL

● Mr. BOSCHWITZ. Mr. President, I am introducing legislation to help reduce the confusion that too many people have about gasohol. My bill would simply require that manufacturers indicate on the window sticker of all new cars manufactured in any model year after 1988 whether the vehicle can be operated on gasohol.

Gasohol is a blend of 10 percent ethanol—or grain alcohol—and 90 percent gasoline. Ethanol can be made from a variety of bases including grain or sugarcane. It's interesting to note that ethanol fuels have been increasing in popularity in this country for some time. In 1980, 80 million gallons of fuel ethanol was sold in the United States. By 1986, that figure had skyrocketed by almost 1,000 percent to an estimated 795 million gallons. This fuel is particularly popular in the Midwestern States, where there is an abundance of grain that can be readily converted into ethanol.

By the way, Mr. President, it is important to distinguish gasohol, which is a blend of gasoline and ethanol, from methanol, which is wood alcohol. Methanol can cause both hot and cold weather driving problems and increase the nitrous oxide emissions of a vehicle. My measure does not include alcohol fuels made from methanol.

Gasohol is reported to have an octane rating—a measure of gasoline's antiknock capability—as much as three numbers higher than gasoline. Higher octanes slow down and even out the burning process which makes engines run smoother and with more power—that's why the gas stations make such a big deal about their upper grade fuels with higher octanes. Mixing ethanol with gasoline provides an octane boost which could facilitate gasoline production by permitting oil refiners to produce lower octane gasoline for blending purposes. So, gasohol has great potential to help our Nation's much needed efforts to conserve our oil supply and reduce our dependency on foreign oil.

And these needs are real ones. The depressed state of our domestic oil industry and our increasing dependency on oil imports are not secrets. Domestic oil production has declined by 800,000 barrels per day over the past year. Last year, we imported approximately 6 million barrels of oil a day—about 1 million barrels a day more than in 1985. Imports from Arab OPEC nations more than doubled in 1986, giving the United States its highest level of OPEC imports since 1981. In fact, we are now importing about 37 percent of our daily oil consumption. That's higher than 1973 at the time of the oil embargo. The Department of Energy has estimated that we may be importing as much as 50 percent of our daily consumption by the early 1990's.

The Department of Energy has also stated that there is probably no difference between burning alcohol fuels or gasoline with regard to the environment. In fact, nitrous oxide emissions are probably reduced by using gasohol. Other emissions, such as carbon monoxide and unburned hydrocarbons, also do not seem to change. Also, ethanol could effectively help our efforts to phase lead—which causes higher octanes, but is harmful to the environment—out of gasoline. Ethanol gives any type of gasoline a lead-free octane boost. Furthermore, in 1978, the Environmental Protection Agency determined that alcohol fuels are in compliance with the Clean Air Act.

Despite gasohol's rising popularity and beneficial qualities, a misperception has been cultivated that some automobiles cannot run smoothly on gasohol. Unfortunately, this misperception has handicapped the gasohol industry and hindered the consumers' ability to make educated decisions on both automobiles and fuel.

Automobile manufacturers are presently required by law to indicate on all new car window stickers certain information that enables consumers to make well informed decisions on whether or not to purchase the car. Requiring manufacturers to include engine performance using gasohol on that label is a step that further assists the American consumer. It is my understanding that in all cases the sticker will reflect that the automobile can operate on gasohol—thereby removing all doubts about the fuel.

Simply stated, my bill allows the consumer to see through the fog that has been created on the gasohol issue and make educated decisions on whether or not to use the fuel. I urge my colleagues to support this measure and urge its rapid consideration.●

By Mr. BINGAMAN (for himself, Mr. KENNEDY, Mr. GLENN, Mr. HARKIN, Mr. MATSUNAGA, Mr. RIEGLE, Mr. DURENBERGER, Mr. LEVIN, Mr. SIMON, Mr. HOLLINGS, Mr. BOSCHWITZ, Ms. MIKULSKI, and Mr. BURDICK):

S. 1081. A bill to establish a coordinated National Nutrition Monitoring and Related Research Program, and a comprehensive plan for the assessment of the nutritional and dietary status of the United States population and the nutritional quality of the United States food supply, with provision for the conduct of scientific research and development in support of such program and plan; to the Committee on Governmental Affairs.

NATIONAL NUTRITION MONITORING AND RELATED RESEARCH ACT

Mr. BINGAMAN. Mr. President, I believe the Senate is well aware of legislation I pushed in the 98th and 99th Congresses to establish a national nutrition monitoring system. Today, I am again introducing this bill. Joining me as original cosponsors are Senators KENNEDY, GLENN, HARKIN, MATSUNAGA, RIEGLE, DURENBERGER, LEVIN, SIMON, HOLLINGS, BOSCHWITZ, MIKULSKI, and BURDICK. Identical legislation is also being introduced in the House by Representatives MACKAY, BROWN, and WALGREN. With their leadership, the House overwhelmingly passed nutrition monitoring legislation last year.

While the legislation did not pass the Senate then, I am optimistic that with the past support from over 70 organizations representing food producers, consumers, members of religious organizations, senior citizens, health and nutrition professionals, scientists, education officials, advocates for children and low-income people, public officials, and minorities, that it will succeed in the 100th Congress. Last year the House-passed bill was reported out of the Governmental Affairs Committee before it died in the final days of the 99th Congress.

Despite considerable nutrition information from various sources, the fact remains that we do not have a comprehensive nutrition monitoring program. The embarrassing result is we simply do not know the current nutritional status of our citizens. This legislation would lay the groundwork for a truly coordinated data-gathering program.

Over nine agencies of the Federal Government now engage in nutrition research and training at an estimated cost of well over $200 million. The Department of Agriculture, the Department of Health and Human Services, and the Department of Commerce all collect data and conduct research through 19 different surveys. Given such disparate data collection, analysis, and reporting it's no wonder that we need an integrated approach. In 1985, in a report to the President and Congress, the National Agriculture Research and Extension Users Advisory Board stated that because of poor coordination among the appropriate Federal agencies, each agency ignored opportunities to economize and perhaps make the results more conclusive. Even the Hunger Task Force, appointed by President Reagan, recommended that the USDA and the HHS coordinate their two surveys on a continuous and timely basis.

A second deficiency of our nutrition monitoring is this lack of timely data. This issue becomes more critical as we continue to vote for or against health care, food assistance, food and environmental safety, agriculture production, and biomedical research. How can we make informed decisions when there is no current baseline data on the nutritional and health status of the U.S. population? We do not even know whether our current policies are having the intended effect or whether with better information we could make effective changes. The decisions we make today are based on data collected in the 1970's. A more complete understanding of the relationship between diet, nutrition, and health would pay off in knowledge and fiscal savings.

Briefly, this bill streamlines the administrative functions of nutrition monitoring. It consolidates the authority within an Interagency Board to assist the Secretaries of Health and Human Services and the Department of Agriculture in the development, management, and implementation of a coordinated program and a comprehensive 10-year plan. An Advisory Council would be appointed by the President and Congress to give scientific and technical advice on the development and implementation of a national nutrition monitoring program. No new funds are authorized under it.

This will ensure the effective use of Federal and State dollars. It will help develop State and local initiatives to improve monitoring methods and standards. It will stimulate academic, industry, and governmental partnerships. And it will improve methods to cut the costs of monitoring.

In conclusion, Mr. President, I believe this legislation is long overdue and I urge support for it.

Thank you, Mr. President.

By Mr. THURMOND:

S. 1082. A bill to temporarily suspend the duty on tetra amino biphenyl until 1993; to the Committee on Finance.

TEMPORARY SUSPENSION OF DUTY

● Mr. THURMOND. Mr. President, today I am introducing legislation to temporarily suspend the duty on the chemical tetra amino biphenyl (A/K/A Diamino Benzidene). This chemical, commonly eferred to as "TAB," is imported into the United States from West Germany. TAB is an essential raw material used for the production of a high performance fiber called "PBI." There is no American producer of TAB.

PBI is a unique heat-and-chemical-resistant fiber that can be used as a suitable replacement for asbestos. PBI has a wide range of thermal protective applications such as flight suits and garments for fire fighters, boiler tenders, and refinery workers.

Mr. President, in the 98th Congress I introduced similar legislation to apply duty-free treatment to TAB. This bill was ultimately incorporated into the Omnibus Tariff and Trade Act which became law in 1984. The duty suspension for TAB expires in 1988.

There is still no domestic producer of TAB. Thus, the temporary suspension of duty on this chemical as called for in my bill will not cause injury to any U.S. manufacturer of the product.

Mr. President, there are a large number of jobs that are directly related to production of PBI, as well as additional positions resulting from the research, development, and marketing of this product. These jobs hinge on the ability of the domestic manufacturer of PBI to produce this product efficiently and at a competitive price for the available markets. Temporary removal of this import duty on this principal raw material will lower the production cost for PBI fiber and enable the domestic manufacturer to establish a competitive market for products containing PBI.

Mr. President, it is extremely important that we do everything in our power to prevent the loss of American jobs to foreign markets. This is an ex-

cellent opportunity to help keep some American jobs at home. For that reason, I am hopeful the Finance Committee and the Congress can favorably consider this bill in the near future.●

By Mr. DECONCINI:

S. 1083. A bill to delay implementation of the employer sanctions provision of the Immigration Reform and Control Act of 1986 by 4 months; to the Committee on the Judiciary.

DELAY OF EMPLOYER SANCTIONS PROVISION OF THE IMMIGRATION REFORM AND CONTROL ACT

Mr. DECONCINI. Mr. President, I am introducing today legislation to delay the implementation of the employer sanctions provision of the Immigration Reform and Control Act of 1986 for 4 months. The sanctions are due to go into effect on June 1, 1987. My bill would delay that implementation date until October 1, 1987.

Let me point out at the outset that my bill would not repeal the provision making it illegal under our laws to hire an illegal alien. The 1986 act enacted such a change in our law beginning on December 1, 1986. The Immigration Act of 1986, however, delays actual enforcement of the employer sanctions provision for a 6-month public information period. My bill will extend the public information period for an additional 4 months.

I am taking this action because I find that the public information campaign required by the Immigration Act has not adequately taken place. Under the provisions of the law, the appropriate Cabinet members were required "to disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for public education". It is obvious that the administration's efforts to comply with this provision have been far from adequate. I understand that Congress must bear a great deal of the blame for this problem because of our failure to enact the supplemental appropriation bill which contains some funds to implement parts of the Immigration Act.

Mr. President, I find that there is widespread misunderstanding and ignorance of the requirements and protections of the employer sanctions provisions. In my discussions with employers, unions, and individuals who would be most affected by the sanctions, I find that they are totally unaware of the real provisions of the law and are overwhelmed with rumors and misinformation. The bill I introduce today would give the administration adequate time to quiet the fears and inform the misinformed and uninformed.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Chapter 8 of title II of the Immigration and Nationality Act is amended in section 274A. (8 U.S.C. 1324A.):

In section 274A.(i)(1) substitute "10-Month" for "6-Month" and "ten-month" for "six-month" so that the first line of the section reads:

"(1) 10-MONTH PUBLIC INFORMATION PERIOD.—During the ten-month * * *."

In section 274A.(j)(1) substitute "16 months" for "one year" in the first line so that it reads:

"(1) IN GENERAL.—Beginning 16 months after the date of enactment * * *."

By Mr. FORD (for himself and Mr. JOHNSTON):

S. 1084. A bill to establish the amount of the costs of the Department of Energy's uranium enrichment program that have not previously been recovered from enrichment customers in the charges of the Department of Energy to its customers; to the Committee on Energy and Natural Resources.

URANIUM ENRICHMENT

Mr. FORD. Mr. President, today I am introducing legislation to fix the amount of prior unrecovered and unrecouped Government cost of providing uranium enrichment services to its customers. There has been a substantial controversy over this matter for some time. For some time there has been a need for Congress to settle the controversy. My bill will settle it.

The Committee on Energy and Natural Resources is in the midst of a series of hearings on the status of the Department of Energy's Uranium Enrichment Program. Our first hearings were held on March 9 and March 13. Additional hearings are scheduled for May 4 and May 8.

These hearings show a Federal enterprise that is in deep trouble and in danger of losing its customers—America's utilities—to foreign providers of enrichment services that are backed by their home governments. One of the major uncertainties that burdens the U.S. program is the allegation that its enrichment customers may have to assume a large obligation to recover so-called prior unrecouped Government costs of providing the service. The issue of these costs and which customers should bear responsibility for them is highly controversial. Uncertainty as to how the issue will be resolved is perhaps the main reason why domestic utilities have to consider switching their business to foreign providers.

This matter was considered at the end of the last Congress in the continuing appropriations legislation, House Joint Resolution 738. The conference report describes the issue as follows:

These costs are an outgrowth of initial calculations in the enrichment program, primarily valuation of plants originally constructed for defense purposes, together with cumulatively imputed interest on that amount. Calculation of an appropriate amount reflecting that initial calculation together with imputed interest which should be returned to the Treasury from revenues paid by enrichment customers has been controversial, both because differing methodologies yield different results and because such repayment to the Treasury is perceived by some as a major new departure in the approach by which appropriations and customer revenues have funded uranium enrichment activities. Because of the controversial nature of this issue, as well as the fact that estimates of an appropriate repayment obligation have ranged as low as $350 million and as high as $7.5 billion, this is a matter that the conferees believe should be determined by the Congress after full opportunity to inquire into the matter, rather than be determined unilaterally by DOE.

My bill will serve as a focus for the debate on this issue as well as others that must be considered and resolved if the U.S. Uranium Enrichment Program is to continue to function to achieve its goals. Under my bill, the Government's costs of providing uranium enrichment services under section 161(v) of the Atomic Energy Act of 1954 (42 U.S.C. 2201(v)) that have been incurred and not recovered prior to fiscal year 1987 of the United States is determined to be $364 million. A table showing the derivation of this figure appears at the conclusion of these remarks. The methodology for arriving at the entries to this table follows.

Column I of the attached table is the net appropriations to the enrichment program measured in millions of as-spent dollars. Net appropriations are defined as the difference between outlays and revenues, from 1969, when the commercial operation of the enrichment enterprise began, through the end of fiscal year 1986. Outlays include operating, plant and equipment and other costs, including those incurred for the cancelled Portsmouth, OH, Gas Centrifuge Enrichment Plant. Revenues include all funds received from the sale of enriched uranium. These costs total to $1,774,500,000 at the end of fiscal year 1986. This is based on cost data from DOE's annual budget submissions and financial reports of the enrichment enterprise.

Column II represents revenues that would have been received from the sale of enriched uranium to the Government if the Government had been paying the commercial price for the enrichment service. The Government purchases enrichment services for defense purposes, for example, the operation or nuclear powered submarines. The inferred cost of services provided to the Government is equal to outlays incurred in providing enrichment serv-

ices for Government users. From 1969 through 1983, Government revenue is calculated by multiplying the number of separative work units provided to the Government by the commercial price. From 1983 through 1986, funds were provided to the enrichment enterprise in appropriations bills for the SWU's produced for the Government, although they were insufficient to cover outlays. For those year, the difference between the amount provided in the appropriations bills and the commercial price is in column II.

Column III, the total of column I and column II, is equivalent to the net amount of money borrowed or received in each year. This is the principal upon which interest is calculated.

The interest rates in column IV are the average long-term cost of money to the U.S. Treasury. This is documented in the financial reports of the Uranium Enrichment Program in each year.

Interest is calculated on each net revenue figure from column III, from the year when the money was borrowed or loaned to the end of fiscal year 1986, at the fixed rate in column IV. Each year is treated as a separate "loan." Column V is the total amount owed on the loan, principal plus interest, for each year. The total amount that has been incurred but not recovered from 1969 through 1986 is $364,000,000 in 1986 dollars.

Mr. President, I ask unanimous consent that the table and the text of this bill be inserted in the RECORD at the proper point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 161(v) of the Atomic Energy Act of 1954 (42 U.S.C. 2201(v)) is amended by inserting after the phrase "over a reasonable period of time: * * *" the following:

"And provided further, That the Government's costs of providing services under paragraphs A and B of this subsection that have been incurred and not recovered prior to Fiscal Year 1987 of the United States are hereby determined to be $364 million, and such amount shall be recovered in charges for services under paragraphs A and B within a 20-year period commencing on October 1, 1987, along with interest on the unpaid balance at a rate equal to the average yield on long-term government obligations as determined by the Secretary of the Treasury on October 1, 1987:"

CUMULATIVE DEBT

FY	App net	Gov't rev	Rev net	Int rate	Prin & Int
1969	−105.7	60.0	−45.7	4.985	−104.5
1970	−89.1	60.0	−29.1	5.785	−71.6
1971	29.1	60.4	89.5	5.665	204.5
1972	−69.7	21.1	−48.6	5.242	−99.4
1973	−76.1	29.9	−46.2	5.600	−93.8
1974	302.9	22.3	325.2	6.782	714.7

CUMULATIVE DEBT—Continued

FY	App net	Gov't rev	Rev net	Int rate	Prin & Int
1975	−79.9	34.1	−45.8	7.015	−96.6
1976	−300.0	53.0	−247.0	6.644	−470.0
1977	−507.0	116.3	−390.7	6.403	−683.0
1978	−283.8	114.3	−169.5	6.979	−290.8
1979	−91.0	121.5	30.5	8.202	53.0
1980	−204.0	109.8	−94.2	9.685	−164.0
1981	−237.5	177.3	−60.2	11.335	−103.0
1982	56.3	230.0	286.3	12.395	456.9
1983	79.8	98.2	178.0	11.050	243.8
1984	10.6	124.2	134.8	11.052	166.2
1985	−300.1	90.0	−210.1	10.875	−232.9
1986	90.7	115.6	206.3	6.319	206.3
Cum	−1,774	1,638	−136.5		−364.0

Interest is calculated by compounding the current year revised net appropriation to 1986 at the current year's interest rate. The cumulative debt is then the sum of all principal and interest amounts.

By Mr. GLENN:

S. 1085. A bill to create an independent oversight board to ensure the safety of U.S. Government nuclear facilities, to apply the provisions of OSHA to certain Department of Energy nuclear facilities, to clarify the jurisdiction and powers of Government agencies dealing with nuclear wastes, to ensure independent research on the efforts of radiation on human beings, and for other purposes; to the Committee on Governmental Affairs.

THE NUCLEAR PROTECTIONS AND SAFETY ACT OF 1987

Mr. GLENN. Mr. President, I rise to introduce a bill, the Nuclear Protections and Safety Act of 1987.

More than 2 years ago, I became aware of a problem at a DOE-owned nuclear facility, the Feed Materials Protection Center at Fernald, OH. The plant had had a significant release of uranium oxide to the atmosphere, and there was an evident reluctance on the part of both the contractor and DOE to deal candidly with the circumstances surrounding this incident. An investigation by my staff, which culminated in a hearing held in Cincinnati in April 1985, revealed that the history of this plant was replete with instances of massive discharges of radioactive and other hazardous materials to air and to ground during the 35-year existence of the plant. The emphasis was on production, with far less emphasis on safety or environmental protection. The contractor continued to received bonuses based on production performance, and the needs and concerns of both workers and people in the surrounding community were ignored. Both soil and ground water were contaminated, including drinking water wells off site.

These conditions were so shocking that I asked the General Accounting Office [GAO] to begin a series of investigations, not only of DOE-owned facilities in Ohio, but at places located in other areas of the United States as well. Five GAO reports have been delivered to me over this 2-year period, and they detail a callous disregard for safety and environmental protection at nearly all of the sites surveyed by the GAO. Safety analysis reports for a number of DOE's nuclear reactors have not been completed or are inadequate; widespread contamination of soil and ground water exists at DOE sites in Ohio, Tennessee, South Carolina, and Washington. It will cost billions of dollars to repair the damage, and in some cases, the damage is irreparable.

In addition to all this, the Department of Energy's handling of health and safety matters for workers at its facilities has been inept. There is widespread distrust among workers at these facilities as to the adequacy and implementation of occupational health and safety standards. This, combined with some egregious past mistakes on the part of the Department of Energy in the handling of research contracts on health effects of ionizing radiation have resulted in a situation where epidemiological studies on radiation effects conducted by the Department of Energy or funded by the Department of Energy are not given credibility by the people who would be most affected by the results of such studies. DOE, whose primary mission is the production of nuclear materials, is the chief sponsor of such research, so the potential for conflict of interest is clear and compelling.

It has now been a year since the accident at Chernobyl. That terrible nuclear accident has itself prompted some hard looks at the safety conditions in our Government-owned nuclear facilities, with some disturbing results.

For example, the N-reactor at Hanford, in the State of Washington, has been shut down for 4 months now, since an independent panel of nuclear experts examined it and questioned the safety of its operation. We should remember that the N-reactor is the one in our country most resembling the reactor at Chernobyl. But that is not our only reactor safety problem. The Savannah River facility in South Carolina has one reactor shut down because of cracks in the reactor vessel; another reactor may be developing such cracks as well. The problems at these facilities go beyond those resulting from operating reactors past the reasonable lifetime of the equipment. Some of the problems appear to be a result of incompetence or carelessness. For nearly 7 years, the DOE operated its Savannah River reactors at a much higher rate of power than the emergency core cooling system could handle. GAO investigators looking into safety concerns at DOE facilities on my behalf brought this fact to light at a hearing I held last month.

While DOE took steps late last year to reduce the power levels of the Savannah River reactors, an outside panel of experts—the National Acade-

my of Sciences—did not have confidence that the reduction was sufficient and has strongly advised DOE to reduce further the power levels of these reactors.

The fact that independent reviews of DOE's reactor operations have shown such problems indicates that such reviews need to be institutionalized.

Let me say this: I think DOE has now been sensitized to the situation that exists around the country with regard to their facilities. I must compliment them for some of the actions they have taken but they have not gone far enough, fast enough, and they are too late in some of their activities. We should have been putting some of this emphasis on many years ago. It is better late than never.

So I am glad they are moving and are now sensitized to this. But I do think that to protect this country for the future we need to institutionalize these changes being made and make certain that whatever administration is in power and whoever the people at the Department of Energy, that these nuclear concerns will get the same kind of emphasis from one administration to another.

In addition, DOE's abuse of the environment at and around its defense facilities is a national disgrace and must be stopped. My own home State of Ohio is suing DOE because of its continued lack of compliance with environmental laws, and as I indicated earlier, such conditions exist at several DOE facilities around the country. I do not know how many lawsuits are being filed in other States to make sure DOE comes into compliance but our State attorney general back home in Ohio has filed such suits in Ohio to make certain that we do get compliance in our State.

The basic problem in all these areas stems from the fact that the Department of Energy is in charge of both nuclear production and safety and health implications at the same time, without any outside oversight. The legislation I am introducing today will remedy this intolerable and dangerous situation. We cannot afford to risk permanent harm to our citizens and our land in the name of national security.

First, the bill creates an independent oversight board to ensure the safe operation of nuclear facilities owned by the Department of Energy.

Second, the bill will substantially increase the safety of workers at the Department of Energy nuclear facilities by eliminating DOE's exemption from the application of Occupational Safety and Health Act [OSHA] standards. If the bill passes, the National Institute for Occupational Safety and Health [NIOSH] will be able to walk into any DOE facility and do a health hazard survey.

Third, the Environmental Protection Agency will be given the sole jurisdiction to regulate mixed hazardous and nuclear waste at DOE facilities. This will ensure that adequate environmental standards are applicable to DOE activities.

Finally, the bill creates a Radiation Research Review Board with heavy representation by the Department of Health and Human Services to oversee DOE's research program on the health effects of ionizing radiation.

Mr. President, more than 35 years of neglect in environment, safety and health by the Department of Energy and its predecessor agencies cannot be mitigated overnight. It will take much effort, some time, a great deal of money, and dedication and will on the part of both the executive branch and the Congress.

I think it will be in the billion of dollars that we will have to pay before we get new procedures in and clean up procedures completed to clean up the mess that we have around some of these plants. It is going to take a lot of dedication and will on the part of both the executive branch and the Congress.

The passage of this bill would be a significant step on the road to recovery. I urge my colleagues to support this legislation, and I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1085

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act may be cited as the "Nuclear Protections and Safety Act of 1987".

TITLE I—INDEPENDENT NUCLEAR SAFETY BOARD OVERSIGHT OVER DEPARTMENT OF ENERGY FACILITIES

SHORT TITLE

SEC. 101. This title may be cited as the "Department of Energy Nuclear Safety Board Oversight Act of 1987".

FINDINGS AND PURPOSE

SEC. 102. (a) The Congress finds that—

(1) there is a great need for vigorous investigation of events at nuclear facilities controlled by the Department of Energy; and

(2) continual review and assessment by expert outside authorities would be of assistance in identifying actual or potential safety problems and needed standards at these nuclear facilities.

(b) The purpose of this title is to establish an Independent Department of Energy Nuclear Safety Board which shall promote nuclear safety at Department of Energy nuclear facilities by—

(1) annually reviewing and evaluating the implementation of health and safety standards, as well as all applicable Department of Energy Orders at each nuclear facility;

(2) conducting independent investigations of events at Department of Energy nuclear facilities;

(3) reviewing and assessing the content and application of all Orders governing Department of Energy nuclear facilities;

(4) recommending to the Department of Energy improvements in its nuclear facilities, operations, and health and safety standards; and

(5) informing the Congress of its findings and recommendations.

ESTABLISHMENT OF NUCLEAR SAFETY BOARD

SEC. 103. Title II of the Energy Reorganization Act of 1974 (42 U.S.C. 5841 et seq.) is amended by adding at the end thereof the following new section:

"INDEPENDENT NUCLEAR SAFETY BOARD

"SEC. 212. (a) There is established a Department of Energy Nuclear Safety Board (hereafter in this section referred to as the 'Board').

"(b)(1) The Board shall be composed of 3 members appointed by the President, by and with the advice and consent of the Senate, from among respected experts in the field of nuclear safety with a demonstrated competence and knowledge relevant to the independent investigative and prescriptive functions of the Board. No more than 2 members of the Board shall be of the same political party. Not later than 90 days after the date of the enactment of this section, the President shall submit such nominations for appointment to the Board.

"(2) Any vacancy in the membership of the Board shall be filled in the same manner in which the original appointment was made.

"(3) No member of the Board shall have any significant financial relationship in any firm, company, corporation, or other business entity engaged in activities regulated by the Commission either as licensee or contractor, or have such a relationship within the 2 years preceding his appointment.

"(c)(1) The Chairman and Vice Chairman of the Board shall be designated by the President. The Chairman and Vice Chairman may be reappointed to such offices.

"(2) The Chairman shall be the chief executive officer of the Board and shall, subject to such policies as the Board may establish, exercise the functions of the Board with respect to—

"(A) the appointment and supervision of personnel employed by the Board;

"(B) the organization of any administrative units established by the Board; and

"(C) the use and expenditure of funds.

The Chairman may delegate any of the functions under this paragraph to any other member or to any appropriate employee or officer of the Board.

"(3) The Vice Chairman shall act as Chairman in the event of the absence or incapacity of the Chairman or in case of a vacancy in the office of Chairman.

"(d)(1) Except as provided under paragraph (2), the members of the Board shall serve for terms of 6 years. Members of the Board may be reappointed.

"(2) Of the members first appointed—

"(A) one shall be appointed for a term of 2 years;

"(B) one shall be appointed for a term of 4 years; and

"(C) one shall be appointed for a term of 6 years,

as designated by the President at the time of appointment.

"(3) Any member appointed to fill a vacancy occurring before the expiration of the term of office for which such member's predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of the member's term until a successor has taken office.

"(4) Any member of the Board may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

"(e) Two members of the Board shall constitute a quorum for issuing reports, but a lesser number may hold hearings.

"(f) The Board shall hire such staff and make such expenditures for consultants and services as are necessary.

"(g) The Board shall have the following functions:

"(1) The Board shall annually review and evaluate the implementation of health and safety standards, as well as all applicable Department of Energy Orders, at each Department of Energy nuclear facility. The Board shall annually review and assess the content and application of all Orders governing Department of Energy nuclear facilities, and recommend necessary changes in their content and application.

"(2)(A)(i) The Board shall investigate those events at Department of Energy nuclear facilities which the Board determines to be significant because of possible adverse effects on the health or safety of the public or because such events could be the precursors of events that may adversely affect the health or safety of the public.

"(ii) The Board may request the Secretary of Energy to make an investigation of the events described in subdivision (i) and to report its findings to the Board in a timely fashion. Whenever the Board concludes such an investigation, the Board may analyze the findings of the Secretary for the purpose of making its own conclusions and recommendations.

"(B) The purpose of any Board investigation under this paragraph shall be—

"(i) to determine if the Secretary is adequately implementing health and safety standards, as well as all applicable Department of Energy Orders, at Department of Energy nuclear facilities;

"(ii) to ascertain information concerning the circumstances of the event involved, and its implications for the public health and safety;

"(iii) to determine whether such event is part of a pattern of similar events at other Department of Energy nuclear facilities which could adversely affect the public health or safety or which could be the precursor of events which could adversely affect the public health or safety; and

"(iv) to provide such recommendations to the Secretary for changes in Department of Energy Orders, safety regulations and requirements, and other regulatory policy as may be prudent or necessary.

"(C) For the purpose of this paragraph, the term 'event' shall include an action or failure to act by any person, including the Secretary, or a continuing series of actions or failures to act by any person, including the Secretary, including operational failures, that the Board determines to have an actual or potentially adverse effect on public health and safety as provided in this paragraph.

"(3) The Board shall have access to and may systematically analyze operational data from any Department of Energy needed facility to determine whether there exist certain patterns of events that indicate safety problems.

"(4) The Board may conduct special studies pertaining to safety at any Department of Energy nuclear facility.

"(5) The Board may evaluate information received from the scientific and industrial communities, and from the interested public, with respect to—

"(A) events with actual or potential adverse effects on health and safety; or

"(B) suggestions for specific measures to improve health and safety at Department of Energy nuclear facilities.

"(6)(A) The Board shall recommend to the Secretary those specific measures that should be adopted to minimize the likelihood that events will occur at any Department of Energy nuclear facility which could adversely affect the public health or safety. The Secretary shall respond in writing to the recommendations of the Board within 120 days of receipt of such recommendations. Such written response shall detail specific measures adopted by the Secretary in response to such recommendations.

"(B) The recommendations of the Board made pursuant to subparagraph (A) shall also be sent to Congress, and when possible, made available to Federal, State, and local government agencies, concerned with health and safety at Department of Energy nuclear facilities, and to the public.

"(7)(A) The Board may establish reporting requirements which shall be binding upon the Secretary.

"(B)(i) The information which the Board may require to be reported under this paragraph may include any materials designated as classified material pursuant to the Atomic Energy Act of 1954, or any materials designated as safeguards information and protected from disclosure under section 147 of the Atomic Energy Act of 1954.

"(ii) Information received by the Board may be made available to the public upon identifiable request, and at reasonable cost. Nothing contained in this section shall be deemed to require the release of any information described by subsection (b) of section 552 of title 5, United States Code, or which is otherwise protected by law from disclosure to the public.

"(C) Notwithstanding any provision of law, the Secretary of Energy and all contractors operating Department of Energy nuclear facilities shall fully cooperate with the Board in the investigations and provide ready access to such facilities and to all information necessary to complete the review and evaluation of the Board.

"(D) In order to protect information, the Secretary of Energy may deny access to information received by the Board to any person who—

"(i) has not been granted an appropriate security clearance or access authorization by the Secretary of Energy; or

"(ii) does not need such access in connection with the duties of such person to enforce this paragraph.

"(8) The Board shall issue periodic reports which shall be made available to the Congress, and when possible, to Federal, State, and local government agencies, and the public concerned with health and safety at Department of Energy nuclear facilities. Such reports shall contain recommendations of specific measures to reduce the likelihood of occurrence of nuclear events similar to those investigated by the Board and of corrective steps to enhance or improve safety conditions at such facilities investigated by the Board and other facilities as considered appropriate by the Board.

"(h)(1) Within 1 year after the receipt of the first annual review issued by the Board pursuant to subsection (g)(1), and for each subsequent annual review issued by the Board, the Secretary of Energy shall implement each recommendation of the Board with respect to each operating Department of Energy nuclear facility covered by the report unless the Secretary notifies the Board and the Congress (and includes specific facts and findings in support) that implementation of the recommendations cannot be accomplished because—

"(A) it is technically infeasible; or

"(B) the President specifically exempts the facility from implementing the recommendations by determining it is in the paramount interest of the United States to do so.

"(2)(A) Any exemption granted under paragraph (1) shall be for a period not in excess of 1 year, but additional 1 year exemptions may be granted upon the President's making a new determination. The President shall report each January to the Congress regarding all exemptions from the Board's recommendations granted during the preceding calendar year, together with specific facts and findings in support of granting each such exemption.

"(B) If the reason for an exemption granted under paragraph (1) is, in whole or in part, the cost of implementing the recommendation, no such exemption may be renewed due to lack of appropriation unless the President shall have specifically requested such appropriations as a part of the budgetary process, and the Congress shall have failed to make available such requested appropriation.

"(i)(1) The Board or, on the authorization of the Board, any member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings and sit and act at such times and places, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such evidence as the Board or an authorized member may find advisable.

"(2)(A) Subpenas may be issued only under the signature of the Chairman or any member of the Board designated by him and shall be served by any person designated by the Chairman or any member. The attendance of witnesses and the production of evidence may be required from any place in the United States at any designated place of hearing in the United States.

"(B) Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board.

"(C) Any person who willfully neglects or refuses to qualify as a witness, or to testify, or to produce any evidence in obedience to any subpena duly issued under the authority of this paragraph shall be fined not more than $500, or imprisoned for not more than 6 months, or both. Upon certification by the Chairman of the Board of the facts concerning any willful disobedience by any person to the United States Attorney for any judicial district in which the person resides or is found, the United States Attorney may proceed by information for the prosecution of the person for the offense.

"(j) For purposes of this section, the term 'Department of Energy nuclear facility' means—

"(1) a production facility or utilization facility (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) under the control or jurisdiction of the Secretary of Energy;

"(2) a facility subject to such Act (42 U.S.C. 2011 et seq.) under the control or jurisdiction of the Secretary; and

"(3) a waste storage facility under the control of jurisdiction of the Secretary, other than a facility developed pursuant to the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) and licensed by the Nuclear Regulatory Commission.

The term does not include facilities or activities covered under Executive Order 12344 (codified in 42 U.S.C. 7158).

"(k) There are hereby authorized to be appropriated for each of the fiscal years 1988, 1989, 1990, 1991, 1992, and 1993 the sum of $5,000,000.".

ASSISTANCE BY OTHER AGENCIES

SEC. 104. (a) Section 29 of the Atomic Energy Act of 1954 (42 U.S.C. 2039) is amended by—

(1) inserting "a." before "There is hereby established"; and

(2) adding at the end thereof the following new subsection:

"b. (1) The Advisory Committee on Reactor Safeguards shall provide assistance as requested by the Independent Nuclear Safety Board (as established in section 212 of the Energy Reorganization Act of 1974).

"(2) To assist the Board, the Advisory Committee on Reactor Safeguards is authorized to expand its membership by up to 5 additional members and corresponding staff which shall be dedicated to assisting the Independent Nuclear Safety Board.

"(3) The Secretary of Energy shall fully reimburse the Advisory Committee on Reactor Safeguards for all costs incurred in assisting the Board for activities conducted pursuant to this subsection.".

(b) Section 309 of the Department of Energy Organization Act (Public Law 95-91; 42 U.S.C. 7158) is amended by inserting at the end thereof the following:

"(c) The Director of the Naval Nuclear Propulsion Program may from time to time provide assistance and advice to the Board.".

ASSISTANCE BY THE NATIONAL ACADEMY OF SCIENCES

SEC. 105. (a) In order to assist the Board in conducting the first annual review, the National Academy of Sciences or some other independent group or organization of experts chosen by the Board shall evaluate and interpret the differences between Nuclear Regulatory Commission regulations and Department of Energy Orders governing nuclear facilities, including but not limited to the implications for safety.

(b) There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of subsection (a).

TITLE II—APPLICATION OF OSHA AND NIOSH TO DOE NUCLEAR FACILITIES

FINDINGS AND PURPOSE

SEC. 201. (a) Congress finds that—

(1) worker health and safety at Department of Energy nuclear facilities could be made substantially safer by applying the standards developed by experts in the field of occupational health and safety;

(2) the Secretary of Labor has a longstanding responsibility for the health and safety of workers (including the enforcement of occupational health and safety standards and other protective labor standard programs) and could provide substantial assistance in creating and enforcing the standards; and

(3) the Secretary of Health and Human Services has a continuing responsibility for evaluating health needs related to radiation and toxic substances standards and could provide substantial assistance in creating and enforcing the standards.

(b) The purpose of this title is to provide and enforce better standards for employee health and safety at Department of Energy nuclear facilities.

APPLICATION OF OSHA TO DOE NUCLEAR FACILITIES

SEC. 202. (a) Paragraph (1) of section 4(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)) is amended to read as follows:

"(1)(A) Notwithstanding any other provision of this Act, this Act shall apply with respect to employment performed in—

"(i) a production facility or utilization facility (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) under the control or jurisdiction of the Secretary of Energy;

"(ii) a facility subject to such Act (42 U.S.C. 2011 et seq.) under the control or jurisdiction of the Secretary; and

"(iii) a waste storage facility under the control of or jurisdiction of the Secretary.

"(B) This subsection shall not apply to a facility or activity covered under section 309 of the Department of Energy Organization Act (42 U.S.C. 7158).".

(b)(1) All regulations and standards relating to occupational health and safety applicable to nuclear facilities described in section 4(b)(1) of the Occupational Safety and Health Act of 1970 (as amended by subsection (a)) that are in effect on the date of enactment of this Act shall remain in effect until superseded by regulations and standards promulgated by the Secretary of Labor in accordance with paragraph (2).

(2) After consultation with the Secretary of Energy and employee representatives, the Secretary of Labor shall promulgate regulations to govern the application of such Act to such facilities. The regulations shall include—

(A) the occupational health and safety standards to be applied to such facilities, subject to paragraph (3); and

(B) the manner and process for enforcement of the standards, which shall include provisions for—

(i) the safeguarding of information, consistent with the needs of employees of the Occupational Safety and Health Administration;

(ii) mechanisms and processes for enforcement, including the right of entry for unannounced inspections without probable cause;

(iii) receipt of complaints from individuals and protection of the individuals from retribution for making the complaints; and

(iv) such other regulations as are necessary to carry out this title and the amendments made by this title.

PERFORMANCE OF NIOSH FUNCTIONS AT DOE NUCLEAR FACILITIES

SEC. 203. Section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this Act, the Director and the Institute shall perform functions authorized by this Act at nuclear facilities described in section 4(b)(1).".

COOPERATION WITH INSPECTIONS AND INVESTIGATIONS

SEC. 203. Section 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657) is amended by adding at the end thereof the following new subsection:

"(h)(1) Except as provided in paragraph (2), the Secretary of Energy and each contractor operating a nuclear facility described in section 4(b)(1) shall—

"(A) cooperate with the Secretary of Labor and the Secretary of Health and Human Services in the conduct of an inspection or investigation under this Act at such facility;

"(B) grant access to such facility to enable the conduct of such inspection or investigation; and

"(C) provide all information that is necessary to conduct such inspection or investigation.

"(2) To protect the confidentiality of information, the Secretary of Energy may deny access to any person who—

"(A) has not been granted a security clearance or access authorization by the Secretary; or

"(B) does not require such access in connection with the duties of such person to enforce this Act.".

TITLE III—MIXED HAZARDOUS WASTE

SHORT TITLE

SEC. 301. This title may be cited as the "Mixed Hazardous Waste Amendment Act of 1987".

FINDINGS

SEC. 302. The Congress finds that—

(1) the generation, transportation, treatment, storage, and disposal of solid waste mixed with radioactive material poses potential hazards to public health, safety, and environment unless carefully planned and managed;

(2) the Department of Energy's facilities are actual or potential producers of such solid waste mixed with radioactive material; and

(3) the authority of the Environmental Protection Agency and authorized States to regulate the disposal of solid waste mixed with radioactive material at the Department of Energy's facilities should be clarified.

PURPOSE

SEC. 303. The purpose of this title is to clarify the intent of Congress that the generation, transportation, treatment, storage, and disposal of solid waste mixed with radioactive material at Department of Energy facilities, including facilities not licensed for the disposal of radioactive materials is subject to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

CLARIFYING AMENDMENT TO DEFINITION OF SOLID WASTE

SEC. 304. Section 1004(27) (42 U.S.C. 6903(27)) of the Solid Waste Disposal Act is amended—

(1) by inserting "(A)" after "(27)";

(2) by striking out ", or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923)"; and

(3) by adding at the end thereof the following new subparagraph:

"(B) The term 'solid waste' does not include—

"(i) source, special nuclear, or byproduct materials as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), unless such materials are a part of any mixture or combination, if the other constituent part of such mixture or combination is a solid waste, within the meaning of subparagraph (A); or

"(ii) wastes at the time they are emplaced at a repository, as defined in section 2(18) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(18)).".

APPLICABILITY OF AMENDMENTS

SEC. 305. This title and the amendments made thereby—

(1) are clarifying in nature with respect to the purpose stated in section 303; and

(2) shall not be construed as—

(A) altering the intent of Congress that the Solid Waste Disposal Act, as in effect prior to the amendments made by this title, applies to mixtures and combinations of solid wastes which contain radioactive material from the commercial nuclear industry; or

(B) affecting, modifying, or amending the Uranium Mill Tailings Radiation Control Act of 1978.

TITLE IV—RADIATION STUDY ADVISORY BOARD ACT OF 1987

SHORT TITLE

SEC. 401. This title may be cited as the "Radiation Study Advisory Board Act of 1987".

FINDINGS

SEC. 402. The Congress makes the following findings:

(1) After many years of study there remain unresolved questions about the health effects of radiation exposure from many sources, such as nuclear weapons manufacturing and testing, nuclear reactors, radioactive wastes, and the medical uses of nuclear materials.

(2) The epidemiology of radiation-caused injury and disease, including cancer, birth defects, and genetic damage, must be further examined and better understood.

(3) Public health authorities must be able to direct research efforts on the health effects of radiation so that effective means of protecting the public against dangerous exposure to radiation can be developed and achieved.

(4) The Secretary of Energy is primarily responsible for the production of nuclear materials and nuclear weapons. In addition, the Secretary is required to study the health impact of activities of the Department of Energy. These dual responsibilities have the potential to create public concern as to the integrity and value of the health studies conducted by the Secretary.

ADVISORY BOARD

SEC. 403. (a)(1) To advise and assist the Secretary of Energy in conducting epidemiological studies of the effects of radiation under section 103 of the Energy Reorganization Act of 1974 (42 U.S.C. 5813), and any other law, the Secretary of Health and Human Services shall establish an advisory board known as the Radiation Research Review Board (hereafter referred to as the "Board").

(2)(A) The Board shall consist of 8 members appointed by the Secretary of Health and Human Services, 1 member appointed by the Secretary of Energy, and 2 members appointed by the Secretary of Labor. The Secretary of Health and Human Services shall make appointments to the Board so that the membership of the Board includes individuals who are expert in epidemiological studies of the health effects of radiation, and public health officials who are concerned with such health effects.

(B) The Secretary of Health and Human Services shall consult with the Director of the Centers of Disease Control, the Director of the National Cancer Institute, the Director of the Center for Devices and Radiological Health, and others in formulating the membership of the Board.

(b)(1) Prior to any authorization or expenditure of funds in an amount greater than $100,000 by the Secretary of Energy for epidemiological studies of the health effects of radiation, the Secretary of Energy shall provide the Board with all requests for proposals concerning such studies.

(2) The Board shall review the proposals provided under paragraph (1) and promptly make appropriate recommendations to the Secretary of Energy in writing if the Board believes the proposal should be modified or not funded.

(3) The Secretary of Energy shall—

(A) implement the recommendations of the Board submitted pursuant to paragraph (2) prior to authorization or expenditure of any funds; or

(B) inform the Secretary of Health and Human Services and the Congress of his intention not to implement the Board's recommendation, specifying in detail the reasons for this decision.

(4) The Board shall annually review the studies conducted pursuant to this title, and advise the Secretary of Energy as to the suggested scope and direction of future studies needed.

(5) The Secretary of Energy, with the assistance of the Board, shall—

(A) insure that all studies undertaken under this title shall be subject to peer review; and

(B) promulgate guidelines for the provision of data from such studies to qualified researchers who are not associated with the Department of Energy in order to implement subparagraph (A).

(c) The Secretary of Health and Human Services shall provide such funds, facilities, and staff as are necessary for the Board.

SECTION-BY-SECTION ANALYSIS

SHORT TITLE

The opening section states the title of this bill as the "Nuclear Protections and Safety Act of 1987".

TITLE I

Section 101 states that this title may be cited as the "Department of Energy Nuclear Safety Board Oversight Act of 1987".

Section 102 states the Congressional findings and purpose for the establishment of a Department of Energy Nuclear Safety Board ("Board") to review safety and events at Department of Energy (DOE) nuclear facilities. The Board will be a new and entirely independent agency with no operational responsibilities for DOE nuclear facilities, and no statutory responsibility of any kind for the commercial nuclear industry.

Section 103 amends Title II of the Energy Reorganization Act of 1974 by creating the Board, composed of three members appointed by the President with the advice and consent of the Senate. The Board members are required to be experts in the field of nuclear safety, and will serve staggered terms of office to ensure continuity. The Board will have the power to hire staff and consultants.

Subsection (g) sets forth the Board's two broad functions. First, the Board will annually review and evaluate the implementation of health and safety standards at DOE facilities, including recommending changes in the content and application of those standards. Second, the Board will investigate all "events", defined in subsection (g)(2)(c) including, but not limited to, operational failures at DOE facilities. An "event" includes accidents or any actions or failures to act which could cause failures at DOE facilities having a potentially adverse effect on public health and safety.

The Board shall make recommendations to the Secretary of DOE. The Board's recommendations and periodic reports shall be made available to the Congress, and when security limitations permit, to interested federal, state and local government agencies, and the public.

Subsections (g)(6) and (h)(1) set forth the requirement that the Secretary of Energy respond to the Board's annual review of DOE facilities and implement each recommendation of the Board, unless the recommendation falls in either of two possible exceptions. The first exception is that the Board's recommendation cannot be accomplished because it is technically infeasible, and hence, impossible to implement. This requirement should be strictly construed. The second exception requires a specific, presidentially ordered exemption for any facility, if the President determines it is in the paramount interest of the United States to grant such an exemption. The exemption is effective for a period of one year, but is renewable upon issuance of a new presidential determination. While an initial exemption may be granted because of the cost of implementing the recommendation, no further exemptions will be allowed unless the President shall have specifically requested the needed appropriation from the Congress.

The Board will have the necessary powers to conduct hearings, including subpoena power to obtain witness testimony. Contumacy of Board process will be enforced in the appropriate United States federal district courts.

Subsection (j) sets for the definition of the term "nuclear facility" which includes DOE production and utilization facilities, and excludes naval reactors governed by Executive Order 12344. Subsection (k) authorizes the sum of five million dollars ($5,000,000) annually for the Board's first six years of operation.

Section 104(a) amends section 29 of the Atomic Energy Act of 1954, and provides for the Board to receive the assistance of the Nuclear Regulatory Commission's (NRC) Advisory Committee on Reactor Safeguards (ACRS). This section would empower ACRS to expand by as many as five additional members and related support staff. Subsection (b) would amend Pub. L. 98-525 and permit, but not require, the Director of the Naval Nuclear Propulsion Program to provide assistance to the Board from time to time. Section 105 would authorize a one-time comparison study of NRC regulations and DOE orders.

TITLE II

Title II would establish the applicability of the Occupational Safety and Health Act of 1970 (OSHA) and the National Institute for Occupational Safety and Health (NIOSH) to Department of Energy nuclear facilities.

Section 201 states the Congressional findings and purpose for repealing the current exemption in section 4(b)(1) of the Occupational Safety and Health Act of 1970 (OSHA), which effectively removed DOE nuclear facilities from OSHA coverage.

Section 202 defines the nuclear facilities to be covered. Subsection (b)(1)(b) would specifically maintain all existing occupational safety and health standards at DOE nuclear facilities until the Secretary of

Labor provides superseding standards. Subsection (b)(2) requires the Secretary of Labor to consult with the Secretary of Energy and worker representatives prior to promulgating regulations to govern the creation of standards and an effective enforcement mechanism for OSHA governance of DOE nuclear facilities.

Section 203 would specifically amend section 22 of the OSHA Act and require the Director of NIOSH to perform all his functions, as required, at DOE nuclear facilities.

Section 204 provides for OSHA and NIOSH to receive the Secretary of Energy's assistance in carrying out their duties under ths title. OSHA and NIOSH will adopt safeguards to prevent unauthorized release of information provided by the Secretary of Energy.

TITLE III

Title III would resolve the application of Resource Conservation and Recovery Act (RCRA) 42 U.S.C. section 6901 et seq., to DOE facilities. Essentially, it clarifies Congress' intent that RCRA applies to a mixture or a combination of a hazardous waste regulated under RCRA and a radioactive material subject to the Atomic Energy Act (AEA).

Section 301 states that Title III may be cited as the "Mixed Hazardous Waste Amendment Act of 1987". For purposes of this title, "mixed hazardous waste" refers to a hazardous waste as defined under RCRA and associated regulations in a mixture or combination with a radioactive material subject to the Atomic Energy Act.

In Section 302(1) Congress recognizes the significant dangers to health, safety and the environment posed by the generation, transportation, treatment, storage and disposal of mixed wastes unless regulated under RCRA's "cradle-to-grave" management system. In section 102(2), Congress finds that DOE's facilities governed under the Atomic Energy Act produce mixed wastes. In section 102(3), Congress finds that the authority of the Environmental Protection Agency (EPA) and states to regulate mixed wastes at DOE facilities needs to be clarified in view of the continuing controversy over the applicability of RCRA to such wastes. "Authorized states," as referred to in section 102, means states granted authority by EPA to carry out a federal RCRA program.

Section 303 clarifies Congress' intent that the Solid Waste Disposal Act (SWDA), 42 U.S.C. section 3251 et seq., as amended by RCRA, applies to mixtures of solid wastes, as defined under RCRA, and radioactive materials which are generated, transported, treated, stored or disposed of at Department of Energy facilities governed under the Atomic Energy Act, including facilities not licensed by the Nuclear Regulatory Commission or delegated states for the disposal of radioactive materials.

Section 304 is the operative section of Title III. It clarifies that mixtures of solid wastes and certain radioactive materials as defined in the Atomic Energy Act are subject to applicable requirements under the SWDA, as amended by RCRA. Specifically, section 304 amends the current definition of "solid waste" under section 1004(27) of RCRA (42 U.S.C. section 6903(27)). This definition is important because "hazardous waste", as defined under RCRA section 1004(5), is a subset of "solid waste" as defined in section 1004(27). In other words, in order to be regulated under RCRA as a hazardous waste, a material must first meet the definition of "solid waste."

Currently, the term "solid waste" under RCRA expressly excludes radioactive materials governed under the Atomic Energy Act, i.e. "source, special nuclear and byproduct materials." [42 U.S.C. section 2014(e), (z), (aa)] Title III would retain this exclusion in section 1004(27) except where these radioactive materials are part of a mixture or combination, and the other constituent part of such mixture or combination is a "solid waste" as defined in RCRA section 1004(27). If this mixture of combination, despite its radioactivity, meets RCRA's definition of hazardous waste, it would be subject to RCRA hazardous waste regulation.

Title III also clarifies that the term "solid waste" does not include nuclear wastes at the time they are transported to and emplaced in a repository, as that term is defined in the Nuclear Waste Policy Act, 42 U.S.C. section 10101(18) (NWPA). This provision is intended to exclude from RCRA regulation the transport of nuclear waste and its emplacement in a geologic repository developed pursuant to the NWPA. Moreover, if such wastes are disposed of in any place other than in a repository, developed pursuant to the NWPA, such wastes remain subject to RCRA.

Section 305(a)(1) and (2)(B) are self-explanatory. Section 305(a)(2)(A) provides that Title III shall not be construed as altering Congress' intent that the SWDA, as in effect prior to these amendments, applies to mixed wastes produced by the commercial nuclear industry. EPA and the Nuclear Regulatory Commission have been working to develop a system for joint regulation of commercial mixed wastes under RCRA and the AEA. Title III should in no way alter the agencies' work to effectuate Congress' intent that RCRA apply to commercial mixed wastes.

TITLE IV

Section 401 states that this title may be cited as the "Radiation Study Advisory Committee Act of 1987".

Section 402 states the Congressional findings and purpose for the establishment of a federal advisory committee, the Radiation Research Review Board ("Board"), under the leadership of the Secretary of Health and Human Services to assist the Secretary of Energy in conducting epidemiological studies of the effects of radiation. This assistance is important because public health and occupational health specialists at other departments can assist the scope and quality of government research funded by DOE.

Section 403 provides for the creation of the Board. It shall consist of eight members appointed by the Secretary of Health and Human Services, who is required to appoint individuals who are expert in epidemiological studies of the health effects of radiation and public health officials who are concerned with such issues, and to consult particular experts in his Department in this process; one member will be appointed by the Secretary of Energy and two members appointed by the Secretary of Labor.

This section provides for the Board to review all formal agency requests for proposals for epidemiological studies funded by the Secretary of Energy. The Board will send recommendations for modification or deletion of proposed studies to the Secretary, who will implement the recommendations of the Board or inform the Secretary of Health and Human Services and the Congress of his intention not to implement the Board's recommendation.

Subsection (b)(4) requires the Board to annually review the studies conducted pursuant to this title, and advise the Secretary of Energy on the direction of future research. To improve the research conducted, subsection (b)(5) provides for researchers not associated with DOE to review data, and for peer review of the research. It is anticipated that the Board will not result in increased costs to the government, inasmuch as its work is not expected to be time consuming, and suitable experts are already employed by the Secretary of Health and Human Services, Labor, Energy, and in other governmental departments.

By Mr. MURKOWSKI:

S. 1086. A bill to require the United States Trade Representative to initiate an investigation of unfair trade barriers maintained by Japan against United States construction services; to the Committee on Finance.

TRADE BARRIERS AGAINST U.S. CONSTRUCTION SERVICES

Mr. MURKOWSKI. Mr. President, today I am introducing legislation regarding the ability of United States firms to participate in the Japanese construction market. I urge the Senate Finance Committee to include this measure as an amendment to the trade bill under consideration. This measure is identical to a provision included in the House trade bill through the good efforts of Representatives RITTER and LENT of the House Energy and Commerce Committee.

My bill will require the United States Trade Representative to investigate whether or not Japan is allowing United States architectural and engineering firms to participate in Japanese construction projects.

This is in response to the difficulties we have encountered in our efforts to convince the Japanese Government that United States firms should be allowed to participate in the construction of the Kansai International Airport.

Mr. President, it is not my intention to engage in antagonizing Japan. We have two distinct and important relationships with Japan. Japan is a crucial and strong ally of the United States in the Pacific rim, and our positive and politically strategic relationship must remain as strong as possible. On the other hand, Japan and the United States compete in trade and commerce. This, too, is an important and vital relationship which should benefit both trading partners. Yet, our trade relations have developed serious conflicts relating to lack of market access to goods and services produced in the United States.

These conflicts are boldly illustrated by Kansai International Airport. I am extremely concerned over the lack of measurable progress to resolve this issue.

A year ago, Ambassador Mansfield went to Osaka. In meetings with the Japanese Government and industry, his message was the same, "The United States wants open bid and

tender on Kansai Airport and other major projects in Japan."

In the past 12 months, we have made every effort to negotiate with the Japanese on this matter. In 1986, over 30 meetings between United States and Japanese officials took place. This does not even skim the surface of industry's efforts.

This issue recently was raised at the United States-Japan subcabinet meeting in Tokyo in March. After the meeting Ambassador Yeutter indicated to me that again, no progress had been made.

The Kansai International Airport Co., has awarded over a billion dollars in contracts to Japanese firms. To my knowledge, only three U.S. firms have received contracts, and the New York Port Authority may be given a small airport management contract. Yet combined, these contracts total approximately $2 million of an $8 billion project.

Mr. President, we have essentially been stonewalled on Kansai, and we must remember that this $8 billion project is the tip of a $60 billion iceberg of future Japanese public works projects.

In contrast, Japanese firms are doing well in the open United States construction market. In 1981, their U.S. business was less than $50 million. In 1985, it was almost $2 billion and we expect 1986 figures to be nearly $4 billion. It is important to remember that the Japanese are participating in public works projects in the United States. The Japanese construction firm Ohbayashi is participating in $26.3 million of the Los Angeles subway tunnel, $63 million of the Federal Dam in Oregon, another $50 million for a tunnel in Arizona and $30 million of a hydroelectric facility in Kentucky.

Yet, American firms have been locked out of the market in Japan for the past 20 years.

As I have mentioned to my colleagues before, the Kansai project is an enormous undertaking. It will be an engineering wonder. And, it is a project in which U.S. firms have expertise and competitive ability to participate if given a fair chance.

U.S. firms have expressed strong interest in participating in Kansai. However, they face formidable barriers.

Last March, United States and Japanese subcabinet-level officials met to discuss foreign participation in Kansai. Immediately thereafter, the chairman of the leading construction industry trade association held a news conference on the matter. His words appeared the next day in all the major newspapers in Japan. "Foreigners need not apply." His successor held his own news conference in May to repeat the message. The day after my subcommittee hearings in June 1986, the head of the leading Kansai business organization held a similar new conference to declare the Kansai projects off limits to foreign firms.

Certain United States observers and Japanese industry experts have described a Japanese business practice referred to as "Dango" or mutual consultation. There have been allegations that the "Dango" system, understood as a system of closed meetings among major construction companies and their affiliated suppliers could lead to anticompetitive behavior, specifically, the rotation of winning bids among insiders in the system. Japanese construction companies enforce this system through boycotts and threatened boycotts of customers.

Prime contractors tell the subcontractors who regularly work for them not to work for foreign firms. One American firm actually has a construction license in Japan but the subcontractor boycott is so effective he can't even build his own buildings. All he has been able to build are two Mrs. Fields cookie shops.

Bear in mind that the individual who said, "Foreigners need not apply," won a contract worth almost $2 billion in rehabilitation work in Manhattan in a joint venture with Zeckendorf. In fact, all the major players active in keeping American firms out of Kansai have expanding and profitable business interests in the United States.

This situation requires strong congressional action. Kansai is symbolic of the entire market access problem in Japan. While other market access issues, like supercomputers, are very complex, it is easy for the average citizen to understand a score of 2 billion to nothing. They know U.S. firms can build airports. Kansai has come to mean, "Closed to American participation."

Mr. President, Congress needs to direct the administration to conduct an unfair trade investigation on Kansai. I am concerned that some officials in the administration may be reluctant to self-initiate section 301 actions against Japan. But, if our Government does not take action now on Kansai, we can expect no action from Japan to open Kansai. If we lack resolve on this $8 billion project, will we ever find the resolve to demand market access on other Japanese projects?

I urge my colleagues to support this measure. We simply have to take action now to insure that Japan opens market opportunities to United States firms.

Mr. President, in introducing this legislation, I reflect specifically on the ability of United States firms to participate in the Japanese construction market, a matter which I know the majority leader has addressed of late. I believe he has mentioned the issue of Kansai as it relates to the ability of the United States to participate in the Japanese construction market, recognizing that Japan is currently doing about 1.8 billion dollars' worth of construction in the United States.

As the majority leader is aware, we have done zero last year in Japan and zero the year before last. It is pretty hard to find anything we have done except two store fronts for Mrs. Field's Cookies in Tokyo.

I appreciate the interest that the majority leader has shown in Kansai.

It is my understanding that this matter has been moved in the House from the committee level to the floor.

I thank the majority leader, who has been patient in listening to my remarks.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

Mr. BYRD. Mr. President, I thank Mr. MURKOWSKI for his timely remarks, and especially I appreciate what he has said about our problems in getting construction work in Japan. I look forward to our continuing to work together in such matters.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1086

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Trade Representative shall immediately initiate an investigation under section 302 of the Trade Act of 1974 regarding those acts, policies, and practices of the Government of Japan, and of entities which are owned, financed, or otherwise controlled by the Government of Japan, that are barriers in Japan to the offering or performance by United States persons of architectural, engineering, construction, and consulting services in Japan.

By Mr. MURKOWSKI:

S. 1087. A bill to eliminate unfair, restrictive, and discriminatory foreign practices in the marine transportation of automobile imports into the United States; to the Committee on Finance.

FOREIGN TRADE PRACTICES IN THE MARINE TRANSPORTATION OF AUTOMOBILE IMPORTS

Mr. MURKOWSKI. Mr. President, today I am introducing legislation to expand market opportunities for U.S. shipping firms and merchant seamen to provide transportation services to trading partners who sell automobiles in our market.

This legislation calls on the President to negotiate trade agreements to eliminate unfair and discriminatory trade practices which inhibit U.S. firms from providing shipping services for foreign-made automobiles into the United States.

It might be of interest to the President to recognize that as a consequence of this effort, last year there were four ships built in Japan, and those ships are now crewed by American seamen, for the purpose of bringing to our friends the Japanese, the

recognition that since we were buying the cars, it was only appropriate that we participate in the transit of those cars from Japan.

As a consequence of this and other efforts, we are now increasing jobs in the maritime industry, by simply asking for a fair share.

Last year, I introduced similar legislation calling upon the President to negotiate auto carrier agreements with Japan. At that time, not one U.S. firm had been successful in negotiating an agreement to carry autos to the United States on U.S.-owned vessels. As a result of the introduction of that legislation, and the continued efforts of United States industry, four agreements have been signed between United States firms and Japanese automakers, including Toyota, Honda, and Nissan. These U.S. firms will begin providing auto carrier services later this year, creating some 120 new jobs and opportunities for U.S. seamen.

As demonstrated by these agreements, U.S. firms have the ability to compete in the services trade, if given the fair opportunity to do so. I believe they deserve the full support of our Government in obtaining such opportunities. Therefore, the legislation I am introducing today will call upon the President to negotiate for auto carrier opportunities with trading partners which import more than 50,000 autos to the United States annually.

As my colleagues are aware, Japan is not the only trading partner selling automobiles to our consumers. Korean firms are now entering the market in force, and eastern Europeans are penetrating the United States market as well. While the Japanese have negotiated four automobile carrier agreements with United States firms, we need to make other countries aware that the United States is competitive in providing transportation services for automobiles.

This legislation does not establish quotas, nor does it require retaliation. However, it will require negotiations with our trading partners to insure that U.S. firms will have competitive opportunities in services trade.

Mr. President, I will urge the Senate Finance Committee to include this measure as a provision of the trade legislation it will soon mark-up.

I ask my colleagues to join me in supporting this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) millions of automobiles manufactured in foreign countries are imported into the United States each year, and those imports contribute substantially to the deficits of the United States in the balance of trade and the balance of payments;

(2) unfair, restrictive, and discriminatory practices of exporting countries and commercial interests of those countries engaged in the marine transportation of foreign automobiles to the United States have practically precluded United States flag vessels owned and operated by citizens of the United States and manned by United States seamen from participating in such transportation, with further adverse effects of the balance of trade and balance of payments of the United States; and

(3) United States flag vessels carrying automobiles are competitive with foreign flag vessels, and it has recently been demonstrated in a few instances at least that, when such unfair, restrictive, and discriminatory practices are removed or suspended, agreements can readily be negotiated with foreign automobile manufacturers and exporters for the ocean transportation of the automobiles they import into the United States in United States flag vessels owned and operated by citizens of the United States and manned by United States seamen.

SEC. 2. UNFAIR, RESTRICTIVE, AND DISCRIMINATORY PRACTICES IN THE MARINE TRANSPORTATION OF AUTOMOBILE IMPORTS.

(a) IN GENERAL.—The President shall take all appropriate and feasible actions within the power of the Presidency, including the full exercise of all rights of the United States under international treaties, to negotiate trade agreements with each foreign country from which at least 50,000 automobiles are imported into the United States per year that—

(1) will eliminate unfair, restrictive, and discriminatory practices in the marine transportation of automobiles, and

(2) establish arrangements and procedures under which a fair and reasonable portion of all automobiles are hereafter transported to the United States by vessels owned and operated by United States citizens and manned by United States seamen.

(b) REPORT.—The President shall, by no later than the date that is 180 days after the date of enactment of this Act, and semiannually thereafter, report to the Congress on the progress of all negotiations conducted by reason of subsection (a).

By Mr. LAUTENBERG:

S. 1088. A bill to provide the Federal Trade Commission with authority to regulate the advertising of commercial airlines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AIRLINE CONSUMER PROTECTION POWERS TRANSFER ACT

● Mr. LAUTENBERG. Mr. President, today I am introducing legislation designed to protect American air travelers from unfair, deceptive or anticompetitive trade practices by airlines.

Currently, the Department of Transportation has jurisdiction over unfair, deceptive, or anticompetitive practices within the airline industry. This authority was transferred to the Department of Transportation when the Civil Aeronautics Board was sunset in 1984.

My bill would transfer this authority from the Department of Transportation to the Federal Trade Commission, where it rightly belongs.

It would also direct the FTC to issue regulations to prevent deceptive advertising by airlines. Those regulations would require airlines to disclose limitations of seats available at advertised fares, the policy of the carrier with respect to cancellation and refunds, and to disclose the ontime performance of advertised flights. The bill would also direct the FTC to issue rules to prevent airlines from changing the conditions of frequent flier programs without fair notice.

Mr. President, deregulation has, in many respects, been a success. Air travel became an affordable means of travel for millions of Americans. Business commutation by air became not only possible, but practical.

I came to the Senate from the private sector. I strongly believe in the role of the free market. That's what deregulation was all about. But the market isn't perfect. It needs to be policed. But it hasn't been. And airlines are taking advantage of the public.

One enemy of competition is lack of information, or inaccurate information in the form of deceptive advertising or scheduling. Competition can also be foiled by mergers and other anticompetitive practices. Unfortunately, we find all of those in today's airline industry.

Many of the problems encountered with the airline industry today result from an abrogation of responsibility by this administration, and the fact that airlines are exploiting that failure of the administration.

The Department of Transportation's duties have included oversight of antitrust and consumer protection. Mr. President, this should not be the case. The DOT should not be in the business of deciding complex antitrust matters. Nor should it be responsible for protecting the American consumer. It has enough to do overseeing safety and efficiency, and to maintain an aviation system with the capacity to meet public demand.

Yesterday, I questioned FTC Chairman Oliver about airline jurisdiction when he appeared before the Appropriations Committee. Although not endorsing such a transfer of responsibility, he stated very clearly that it would be consistent with the mission of the FTC. And that the pool of resources available at the FTC would make the job feasible.

I hope the Senate will look seriously at this legislation. I hope the Senate will look at what's happening to the average air passenger in this country, and decide that something's wrong. That something has to be done.

Airline advertising is just one of the problems facing the traveler today. By

looking at most ads, it's difficult, if not impossible, to get the real bottom line: Will I be able to get a seat on the flight I want, at the price advertised? Or am I just being set up for the old bait and switch? In many cases, it's not even in the fine print.

The consumer has a right to information. To know how many seats are really available the advertised low fare; what the cancellation and refund policy of an airline is; how far in advance tickets must be bought; when you can travel, and if luggage will arrive with passengers.

On-time performance has also become a major problem. Planes advertised to depart at 8 a.m. often don't get off the ground until after 9. I introduced separate legislation to address this problem, S. 757. The bill I am introducing today would require the FTC to make sure consumers know who's sticking to their schedules, and who's not. It would help make the airlines truly competitive.

Last weekend, the New York Times reported that consumers are up in arms about arbitrary changes in frequent flier programs. The rules are being changed in the middle of the game. That's not right. These were incentive programs designed to induce passengers to use a specific airline. Now they're changing the terms of their bargains. But no one is doing anything about it. The FTC is the agency that can best oversee airline advertising and treatment of consumers. The flying public deserves no less.

My bill would require the FTC to take a look at airline practices. It would direct the agency to prevent deceptive advertising by airlines. Consumers would know what they're really getting; what fare they'd really be paying; and what the chances of getting to their destination on time are. It would also protect the rights of frequent fliers, and keep airlines from unfairly changing the rules in the middle of the game.

The FTC is a watchdog. That's what the airline industry needs right now. It's what the airline consumer needs right now. It's what the airline consumer needs. The airlines need to know that there's somebody looking over their shoulder, and watching out for the consumer. This bill would provide that service for the consumer. I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1088

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Airline Consumer Protection Powers Transfer Act of 1987".

FEDERAL TRADE COMMISSION POWERS

SEC. 2. Section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2)) is amended by striking out "air carriers and foreign air carriers subject to the Federal Aviation Act of 1958,", and inserting in lieu thereof "carriers,".

FREQUENT FLIER PROTECTION

SEC. 3. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) is amended by adding at the end thereof the following:

"(4) It shall be an unfair method or competition in or affecting commerce, or an unfair or deceptive act or practice in or affecting commerce, within the meaning of this section, for an air carrier or a foreign air carrier—

"(A) to change the rules of a frequent flier program to the general detriment of the participants in such program without reasonable advance notice;

"(B) to prevent a participant in a frequent flier program from utilizing, during a reasonable period of time after a change in the rules of such program has become effective, credits accumulated by the participant under the rules as in effect before such change.".

COMMERCIAL AIR CARRIER ADVERTISING

SEC. 4. (a) Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(n) The Federal Trade Commission shall prescribe rules to prevent deceptive advertising by air carriers and foreign air carriers. Such rules shall require such carriers to—

"(1) disclose limitations, if any, on the availability of seats at advertised fares;

"(2) disclose the policy of the carrier with respect to the nonrefundability, if any, of unused tickets; and

"(3) disclose the on-time performance record of the carrier with respect to any flights for which scheduled times of departure or arrival of flights are included in the advertisement.".

REPEAL OF CERTAIN AUTHORITY OF THE DEPARTMENT OF TRANSPORTATION RELATING TO AIR CARRIERS

SEC. 5. Section 411 of the Federal Aviation Act of 1958 (49 U.S.C. 1381) is repealed.

REGULATIONS

SEC. 6. The Federal Trade Commission shall, within 180 days after the date of enactment of this Act—

(1) issue regulations to implement section 5(a)(4) of the Federal Trade Commission Act, as added by section 5 of this Act; and

(2) issue regulations required by section 5(n) of the Federal Trade Commission Act, as added by section 6 of this Act.

EFFECTIVE DATE

SEC. 7. This Act and the amendments made by this Act shall become effective on the date of enactment of this Act.●

By Mr. CRANSTON (by request):

S. 1089. A bill to amend title 38, United States Code, to improve the State Veterans' Home Grant Program; to the Committee on Veterans' Affairs.

STATE HOME AMENDMENTS ACT

Mr. CRANSTON. Mr. President, as chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1089, the proposed "State Home Amendments Act of 1987." The Administrator of Veterans' Affairs submitted this legislation by letter dated April 2, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration-proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the April 2, 1987, transmittal letter and enclosed analysis of the proposed bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1089

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "State Home Amendments Act of 1987".

SEC. 2. (a) Section 5035(b)(4) of title 38, United States Code, is amended by adding at the end the following: "Notwithstanding any other law, if the Administrator determines that a State has submitted drawings and specifications for a project which are at least 80 percent complete and that the application which describes the project will meet all the remaining requirements within six months, the Administrator may award a grant for the project and record as an obligation of the United States Government the amount of the grant requested or a lesser amount which the Administrator deems appropriate but may not certify the amount for payment until the Administrator determines that all requirements of this section are met. The Administrator shall rescind award of the grant and deobligate the funds if all requirements of this section are not met within six months of the date of such award. Notwithstanding the order of the projects on the applicable list, the Administrator may increase by up to 10 percent the amount of a grant which the Administrator has awarded when:

"(A) the grant was awarded prior to the agreement by the State to a contract for the construction or acquisition of the project and

"(B) the terms of the contract agreed to by the State for construction or acquisition of the project results in an increase in the estimated cost of the project.

"The amount of a grant as increased may not exceed 65 percent of the estimated cost of the project.".

(b) The amendment made by this section shall take effect on October 1, 1987.

SEC. 3. Except for a project described in an application which the Administrator deferred prior to July 1, 1987, the Administrator between June 30, 1987, and October 1, 1987, may award a grant for a project for construction or acquisition of State home facilities if prior to July 1, 1987, the Administrator notified the State submitting the application for the grant of the availability

of funding for the grant and if the Administrator finds that—

(a) there are sufficient funds available to make the grant requested with respect to such project;

(b) such grant does not exceed 65 percent of the estimated cost of construction (or of the estimated cost of facility acquisition and construction) of such project;

(c) the application contains such reasonable assurances under of section 5035(a) of title 38, United States Code, as the Administrator may determine to be necessary;

(d) the plans and specifications for such project are in accord with regulations prescribed pursuant to section 5034(2) of title 38, United States Code; and

(e) the carrying out of such project together with other projects under construction and other facilities will not result in more than the number of beds prescribed by the Administrator pursuant to section 5034(1) of title 38, United States Code, for the State in which such project is located being available for furnishing nursing home care to veterans in such State.

VETERANS ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS,
Washington DC, April 2, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill "To amend title 38, United States Code, to improve the State Veterans' Home Grant Program." We request that it be referred to the appropriate committee for prompt consideration and enactment.

With the enactment of Public Law 99-576, Congress substantially revised provisions of law governing the award of grants under the State veterans home program. In a far-reaching change, Congress eliminated provisions requiring grants to be awarded in order of the date on which applications for those grants were received. Section 224 of Public Law 99-576 calls instead for VA, effective July 1, 1987, to award grants according to a prioritized list of grant projects established as of July 1 of each year. The law generally establishes the priorities to be applied. Although the VA is proceeding with implementation of these changes, we believe additional changes are needed to perfect those amendments. We recommend these changes both to avoid inequities in awarding grants which may arise where States have relied in existing practice and to increase the effectiveness of the program's operation.

Effective July 1, 1987, section 224 of Public Law 99-576 replaces the current State home grant award procedures with procedures requiring prioritization of grant projects. By eliminating provisions of law under which VA currently approves applications, the law effectively prohibits VA from using those procedures after June 30, 1987. And although VA has many applications currently on file, the new law includes neither a "grandfather clause" for applications which have been pending for some time but not approved before July 1, 1987, nor interim procedures for approving such applications. The law does call for VA to award grants in the order of their priority (as established on a July 1 priority list) during the fiscal year beginning on October 1 of the calendar year in which the list was made. Accordingly, the new law provides no authority at all for awarding grants during the period from July 1, to October 1, 1987. A number of States with long-pending applications have been advised this fiscal year of the availability of funding for their projects, and have incurred substantial costs in reliance on such notice. Most of these States cannot complete in full by July 1, 1987, the many statutory requirements for final approval. Some of these States could conceivably lack sufficient priority under the new scheme to ever be funded in the foreseeable future. There is no indication that Congress anticipated this problem.

Our draft bill, accordingly, would establish an interim mechanism to resolve these problems. The mechanism would permit the Administrator to award a grant between June 30, 1987, and October 1, 1987, if the Administrator had previously notified the State submitting the grant application of the availability of Federal funds for the grant. Of course, the application would also have to meet all the statutory and regulatory requirements for approval of a grant.

The draft bill contains a second amendment designed to avoid similar inequities that may arise in awarding grants under the new provisions. Under these provisions, States must meet all the requirements of law and VA regulations before the Administrator may award a State home grant. These requirements include completion of all plans and specifications and obtaining bid tabulations from prospective contractors. Meeting all the statutory and regulatory requirements is expensive and may amount to as much as 5-10% of the amount of the grant requested. As a result, States do not normally start to meet the more expensive requirements until the VA notifies them early in a fiscal year that Federal funds are available for the projects. From this point, however, it often takes over a year for the requirements to be met. Because VA currently may only obligate funds for a grant when the State meets all requirements and the application is approved by the Administrator, funds are often not obligated until the next fiscal year. This results in a significant unobligated balance at the end of the year. Because of the time required by a State to meet all the statutory requirements for these grants, VA may be unable to approve a grant in the next fiscal year under the new priority system even though a State had been notified that funds were available the previous fiscal year and had incurred significant costs in reliance on that notice. This new system requires the Administrator to award grants to projects during any fiscal year in the order of the projects' priority on the list established the previous July 1. There is no guarantee, however, that a project, which is high enough on a July 1 priority list so that Federal funds are available in one fiscal year, will be high enough on next fiscal year's July 1 priority list to be awarded a grant that fiscal year. The draft bill would establish a mechanism to avoid such a dilemma.

This amendment would permit the Administrator to approve and obligate funds for a State home grant for a project which is high enough on a priority list to be notified of the availability of Federal funds even though the State has not met all requirements for a grant. This would decrease the unobligated balance of State home grant funds that would be carried into the next fiscal year. In addition, it would give States sufficient time to meet all the requirements for State home grants if their proposed projects are high enough on the priority list to be notified that Federal funds are available for them. To receive this "conditional" approval, however, the Administrator would have to determine that the drawings and specifications submitted for the project are 80 percent complete and that the State's grant application for the project will meet all the remaining requirements within six months. In addition, the funds would not be released to the State until all the grant requirements are met. Moreover, if the State does not meet these requirements within six months, the VA would rescind the grant and deobligate the funds. These deobligated funds could then be used for other grants in accordance with the priority list. If a State's estimated costs of its project increases during this period due to a higher than expected acquisition or construction contract price the VA could increase the original grant award by up to 10 percent. We anticipate that enactment of this provision would decrease States' uncertainty regarding VA's award of State home grants.

While enactment of this bill would significantly improve the effective, equitable operation of a program which helps VA meet the extended care needs of aging veterans, it would impose no new costs.

The Office of Management and Budget has advised that there is no objection to the submission of this draft bill to the Congress from the standpoint of the Administration's program.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

ANALYSIS OF PROPOSED BILL

Section 1 of the draft bill states the bill's title: "State Home Amendments Act of 1987."

Section 2(a) would amend 38 U.S.C. § 5035(b)(4) to permit the Administrator to award and obligate funds for a State home grant on a conditional basis if the Administrator determines that the State has submitted drawings and specifications which are 80 percent complete and that the State's project will meet the statutory and regulatory requirements for a grant award within six months. Grant funds could not be released to the State awarded the grant, however, until the State meets all the statutory and regulatory requirements. If the State did not meet these requirements within six months of the date of conditional award, the grant award would be rescinded and the funds deobligated. The State's application would, however, be given a new priority. If a State's estimated cost of its project increases during this six month period due to a higher than expected acquisition or construction contract price, the VA could increase the original grant award by up to 10 percent. The VA's participation in the project could still not exceed 65 percent of the project's total estimated cost, including equipment. Enactment of this provision would not result in any additional costs to the Government.

Section 2(b) would provide that the Administrator's authority to award grants on a conditional basis provided for in section 2(a) of this bill would be effective October 1, 1987.

Section 3 of the draft bill would authorize the Administrator to award a grant for a State home project between June 30, 1987, and October 1, 1987, if the State submitting the application for the project was notified prior to July 1, 1987, of the availability of funding for the grant. The application would also have to meet all statutory and

regulatory requirements for a State home grant. Enactment of this provision would not result in any additional cost to the Government.

By Mr. CRANSTON (by request):

S. 1090. A bill to amend title 38, United States Code, to provide authority for higher monthly installments payable to certain insurance annuitants, and to exempt premiums paid under servicemen's and veterans' group life insurance from State taxation; to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION INSURANCE AMENDMENTS

Mr. CRANSTON. Mr. President, as Chairman of the Veterans' Affairs Committee, I have today introduced, by request, S. 1090, the proposed Veterans' Administration Insurance Amendments of 1987. The Administrator of Veterans' Affairs submitted this legislation by letter dated March 31, 1987, to the President of the Senate.

My introduction of this measure is in keeping with the policy which I have adopted of generally introducing—so that there will be specific bills to which my colleagues and others may direct their attention and comments—all administration proposed draft legislation referred to the Veterans' Affairs Committee. Thus, I reserve the right to support or oppose the provisions of, as well as any amendment to, this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point, together with the March 31, 1987, transmittal letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1090

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That (a) This Act may be cited as the "Veterans Administration Insurance Amendments of 1987".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

AUTHORITY FOR ANNUITY ADJUSTMENTS

SEC. 101. (a) Subchapter 1 of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 727. Authority for higher monthly installments payable to certain annuitants

"(a) Notwithstanding sections 702, 723, and 725 of this title, the Administrator may from time to time adjust the dollar amount of the monthly installments payable to a beneficiary of National Service Life Insurance, Veterans Special Life Insurance, or Veterans Reopened Insurance who is receiving such proceeds under a life annuity settlement option. The Administrator may make such adjustments only in accordance with a determination that the adjustments are administratively and actuarially sound for the program of insurance concerned.

"(b) The Administrator shall determine the amount in the trust funds in the Treasury held for payment of proceeds to National Service Life Insurance, Veterans Special Life Insurance, and Veterans Reopened Insurance beneficiaries attributable to interest and mortality gains on the reserves held for annuity accounts. Such amount shall be available for distribution to the life annuitants referred to in subsection (a) as a fixed percentage of, and in addition to, the monthly installment amount to which the annuitants are entitled under this subchapter. For the purposes of this section, gains on the reserves are defined as funds attributable solely to annuity accounts that are in excess of actuarial liabilities.

"(c) The monthly annuity amounts authorized in sections 702, 723, and 725 of this title shall remain the minimum rates payable.".

(b) The table of sections at the beginning of chapter 19 is amended by inserting after the item relating to section 726 the following new item:

"§ 727. Authority for higher monthly installments payable to certain annuitants.".

Section 102. (a) Subchapter II of chapter 19 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 762. Authority for higher monthly installments payable to certain annuitants

"(a) Notwithstanding section 744 of this title, the Administrator may from time to time adjust the dollar amount of the monthly installments payable to a beneficiary of United States Government Life Insurance who is receiving such proceeds under a life annuity settlement option. The Administrator may make such adjustments only in accordance with a determination that the adjustments are administratively and actuarially sound.

"(b) The Administrator shall determine the amount in the trust fund in the Treasury held for payment of proceeds to United States Government Life Insurance beneficiaries attributable to interest and mortality gains on the reserves held for annuity accounts. Such amount shall be available for distribution to the life annuitants referred to in subsection (a) as a fixed percentage of, and in addition to, the monthly installment amount to which the annuitants are entitled under this subchapter. For the purposes of this section, gains on the reserves are defined as funds attributable solely to annuity accounts that are in excess of actuarial liabilities.

"(c) In no event shall calculations of the monthly installment amount be less than that authorized in section 744 of this title.".

(b) The table of sections at the beginning of chapter 19 is amended by inserting after the item relating to section 761 the following new item:

"§ 762. Authority for higher monthly installments payable to certain annuitants.".

EXEMPTIONS FROM STATE TAXATION

Section 201. Section 769 of title 38, United States Code, relating to Servicemen's and Veterans' Group Life Insurance, is amended by adding at the end thereof the following new subsection:

"(g)(1) No tax, fee, or other monetary payment may be imposed or collected by any State, the District of Columbia, or the Commonwealth of Puerto Rico, or by any political subdivision or other governmental authority thereof, on, or with respect to, any premium paid under an insurance policy purchased under this subchapter.

"(2) Paragraph (1) of this subsection shall not be construed to exempt any company issuing a policy of insurance under this chapter from the imposition, payment, or collection of a tax, fee, or other monetary payment on the net income or profit accruing to or realized by that company from business conducted under this chapter, if that tax, fee, or payment is applicable to a broad range of business activity."

VETERANS' MORTGAGE LIFE INSURANCE

Section 301. Section 806 of title 38, United States Code, is amended to read as follows:

"§ 806. Veterans' Mortgage Life Insurance

"(a) The United States shall automatically insure any eligible veteran who is or has been granted assistance in securing a suitable housing unit under this chapter against the death of the veteran, unless the veteran elects in writing not to be insured under this section or fails to timely respond to a request from the Administrator for information on which his premium can be based.

"(b) The initial amount of insurance provided hereunder shall not exceed the lesser of $40,000 or the amount of the loan outstanding on such housing unit. The amount of such insurance shall be reduced according to the amortization schedule of the loan and at no time shall exceed the amount of the outstanding loan with interest. If there is no outstanding loan on the housing unit, no insurance shall be payable hereunder. If any eligible veteran elects not to be insured under this section, he may thereafter be insured hereunder only upon application, payment of required premiums, and compliance with such health requirements and other terms and conditions as may be prescribed by the Administrator.

"(c) The premium rates charged a veteran for insurance under this section shall be paid at such time and in such manner as the Administrator shall prescribe and shall be based on such mortality data as the Administrator deems appropriate to cover only the mortality cost of insuring standard lives. The Administrator is authorized and directed to deduct the premiums charged veterans for life insurance under this section from any compensation or other cash benefits payable to them by the Veterans' Administration. Any veteran insured hereunder not eligible for cash benefits from the Veterans' Administration may pay the amount of his premiums directly to the Veterans' Administration for insurance hereunder.

"(d) The United States shall bear all of the costs of insurance under this section to the extent such costs exceed premiums established by the Administrator. Premiums collected on insurance under this section shall be credited to the "Veterans Insurance and Indemnities" appropriation and all disbursements of insurance proceeds under this section shall be made from that appropriation. Appropriations are authorized to carry out the purposes of this section.

"(e) Any amount of insurance in force under this section on the date of death of an eligible veteran insured hereunder shall be paid only to the holder of the mortgage loan, for payment of which such insurance was granted, for credit on the loan indebtedness and the liability of the United States under such insurance shall be satisfied when such payment is made. If the Adminis-

trator is the holder of the mortgage loan, the insurance proceeds shall be credited to the loan indebtedness and, as appropriate, deposited in either the direct loan or loan guaranty revolving fund established by section 1823 or 1824 of this title, respectively.

"(f) With respect to insurance issued under this section, the Administrator is authorized to adopt such regulations relating to eligibility of the veteran for insurance, maximum amount of insurance, effective date of insurance, maximum duration of insurance, and other pertinent factors not specifically provided for in this section, which in his judgment are in the best interest of veterans or the Government. The amount of the insurance at any time shall be the amount necessary to pay the mortgage indebtedness in full, except as otherwise limited by subsection (b) or regulations issued by the Administrator under this section. The Administrator shall issue to each insured veteran a uniform type of certificate setting forth the benefits to which he is entitled under the insurance.

"(g) Insurance under this section shall terminate upon whichever of the following events first occurs:

(1) satisfaction of the veteran's indebtedness under the loan upon which the insurance is based;

(2) the veteran's seventieth birthday;

(3) termination of the veteran's ownership of the property securing the loan; or

(4) discontinuance of payment of premiums be the veteran.

"(h) Termination of life insurance under this section will in no way affect the guaranty or insurance of the loan by the Administrator."

(b) The table of sections at the beginning of chapter 21 is amended by striking out "806. Mortgage Protection Life Insurance." and inserting in lieu thereof "806. Veterans' Mortgage Life Insurance".

SECTION 302. (A) Mortgage protection life insurance granted to any veteran before the effective date of these amendments shall be known thereafter as "Veterans' Mortgage Life Insurance", and shall continue in force with the United States as insurer, subject to the terms of secton 301 of this Act. Nothing in this Act shall impair rights of any veteran or mortgage loan holder under section 1 of Public Law 92-95, as amended, which matured prior to the effective date of this Act.

(b)(1) Effective October 1, 1987, the Administrator of Veterans Affairs shall discontinue the policy of insurance purchased in accordance with section 1 of Public Law 92-95.

(2) All premiums collected or received on or after the effective date of these amendments by the insurer under the policy purchased pursuant to section 1 of Public Law 92-95 shall be promptly forwarded to the Administrator of Veterans Affairs and credited to the Veterans Insurance and Indemnities Appropriation. Any positive balance of the contingency reserve maintained by the insurer under such policy remaining after all charges have been made shall be payable to the Administrator and deposited by him in the Veterans Insurance and Indemnities Appropriation, subject to the right of the insurer to make such payment in equal monthly installments over a period of not more than two years.

EFFECTIVE DATE

SECTION 401. The amendments made by sections 101 through 201 shall take effect on the date of enactment of this Act, and with respect to the provisions of section 201 shall apply to premiums paid on or after such date.

SECTION 402. The amendments made by section 301 shall take effect October 1, 1987.

VETERANS ADMINISTRATION, OFFICE OF THE ADMINISTRATOR OF VETERANS AFFAIRS,

Washington DC, March 31, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: It is my pleasure to submit a draft bill to grant authority: (1) to increase the amount of monthly payments to annuitants under certain Veterans Administration (VA) insurance programs; (2) to exempt premiums collected under the Servicemen's (SGLI) and Veterans' Group Life Insurance (VGLI) programs from taxation by State or other governmental authorities; and (3) to allow VA to assume all administrative functions under the Veterans' Mortgage Life Insurance (VMLI) program. I respectfully request that the draft bill be referred to the appropriate committee and promptly enacted.

ANNUITY ADJUSTMENTS

Section 101 and 102 of our proposal would authorize the Administrator to periodically increase the dollar amount of monthly annuity benefits payble to beneficiaries under the United States Government Life Insurance (USGLI), National Service Life Insurance (NLSI), Veterans Special Life Insurance (VSLI), and Veterans Reopened Insurance (VRI) programs. The operation of these programs may be likened to a mutual insurance company, that is, the assets which have been derived from premium income and interest earnings are held in trust for the benefit of the policyholders and their beneficiaries. Separate trust funds have been established for each program, and the reserves have been invested in U.S. Treasury securities. The programs are participatory in nature, so that any surplus resulting from mortality savings or excess interest earnings is distributed to policyholders in the form of dividends. With the exception of VRI, the administrative costs of the programs and the expenses of claims based on the extra hazards of military service are borne by the Government.

Generally speaking, these forms of insurance were created to protect members of the armed forces who could not obtain commercial life insurance, at least at affordable rates, due to the hazardous nature of military service. USGLI was established in 1919 to accommodate the conversion of War Risk Insurance issued during World War I, and was closed to new issues in 1951. The largest government life insurance program, NSLI, was established in 1940, in anticipation of the expansion of the armed forces during World War II. It, too, was closed to new issues in 1951. Congress authorized VSLI in 1951 to meet the demands of the Korean conflict. VSLI was closed to new issues in 1956. VRI was made available as a limited reopening of the NSLI program for certain disabled veterans. Eligibility for VRI opened on May 1, 1965, for a period of one year.

A policyholder under the USGLI, NSLI, VSLI, or VRI program may, during his or her lifetime, select as a settlement option that the proceeds be paid as lump sum, in a limited number of monthly installments, or as a lifetime annuity. After the policyholder's death, the first beneficiary may elect to receive payment under any settlement option which will provide payment over a longer period than that selected by the policyholder. If a policyholder or beneficiary opts for an annuity settlement, interest, at a rate set by statute, accrues on the unpaid balance of the proceeds.

Due to current interest earnings and mortality experience, the reserves held for the payment of NSLI annuity settlements, for example, are generating gains in excess of $33 million annually. Actuarial projections show that gains on annuity reserves will continue to be at least $26 million per year through 1989.

Under existing statutes, specific interest rates are mandated for calculating insurance annuity payments, thereby limiting the amounts that can be paid to the annuitant beneficiaries. The current interest rates on the funds, however, exceed the statutory interest rates. Consequently, substantial gains on annuity reserves are earned which are now credited to the general reserve of the trust fund and paid to the policyholders through the regular annual dividend.

Inasmuch as these gains are derived from the annuity accounts, equitable considerations suggest that excess earnings should be distributed to the beneficiaries rather than continuing to be available as dividends to policyholders. If enacted, our bill would enable the Administrator to periodically adjust the payments to annuitants when it is prudent to do so. In practice, adjustments would be based on mortality savings and the accumulation of interest earned on annuity reserves. In the interests of fairness and security, however, the amount of the existing monthly payments will be retained as guaranteed minimums for monthly annuity installments.

Our proposal to adjust annuity payments by increasing the dollar amount of monthly installments by a fixed perentage is the most administratively feasible and actuarially sound means of equitably distributing these gains. A fair distribution would not be accomplished by simply increasing the interest rate for annuity calculations because it would cause annuitants who have been receiving payments over longer periods of time to receive increases that are relatively smaller than the increases of more recent annuitants. Moreover, the fact the annuity reserve gains are partially due to mortality savings makes it actuarially unsound to base annuity increases on interest earnings alone.

At the present time, only NSLI ("V" policies) annuity reserves are producing gains sufficient to justify an increase in annuity payments. We anticipate increasing "V" policy annuity payments by at least 50 percent for the next five years. Subsequent increases may be higher or lower depending on future interest earnings and mortality experience. Dividends to "V" policyholders are expected to continue to increase annually at the current rate or higher, notwithstanding the proposed increase in "V" annuity payents. It is unlikely that any higher monthly payment established under this proposal, would thereafter have to be reduced. If such a situation arose, however, the bill would require the Administrator to readjust the amount of such payments to maintain the soundness of the trust funds.

Our proposal, if enacted, would benefit approximately 130,000 payees by permitting the return of their equity in the fund. There would be no net cost to the Federal government.

STATE TAX EXEMPTIONS

Section 201 of our proposal would amend section 769 of title 38, relating to the Serviceman's (SGLI) and Veterans' Group Life Insurance (VGLI) programs, to exempt the premiums paid under these programs from State taxation. In 1980, Congress exempted the civilian counterpart of SGLI/VGLI, the Federal Employees Group Life Insurance (FEGLI) program, from payment of State premium taxes. In view of the legislative exemption granted FEGLI and the similarity of FEGLI and SGLI/VGLI, we believe SGLI/VGLI should likewise be exempted from State premium taxation.

SGLI was established in 1965 to meet the insurance needs of the Vietnam Era servicemember. Although the Government has provided life insurance coverage to members of the Armed Forces since World War I, Congress adopted a significantly different approach when creating SGLI. The previous insurance provided military personnel was individual insurance, underwritten by the Government, and administered by the VA.

SGLI, however, was patterned in most respects after the FEGLI program. Like FEGLI, SGLI is group life insurance administered by the commercial life insurance industry with Government participation limited primarily to program supervision. Although the SGLI program has undergone several major modifications since its inception, most notably the expansion of the categories of individuals eligible for coverage and increases in the maximum amounts of insurance, the primary role played by the commercial insurance industry remains unchanged.

VGLI was established in 1974 to provide five-year, nonrenewable term insurance to recently discharged veterans. Like SGLI, VGLI is group insurance which, although supervised by the VA, is underwritten and administered by the commercial life insurance industry.

Both SGLI and VGLI are provided under Group Policy No. 32000 which the VA obtained from the Prudential Insurance Company of America. Both programs are self-supporting in that the insureds pay all costs of providing the insurance, including administrative expenses and taxes. The Federal government, however, does pay any costs traceable to the extra hazards of military service. In recent years, there have been no such costs.

Most states, the District of Columbia, and the Commonwealth of Puerto Rico require insurance carriers underwriting group life insurance policies to pay taxes on premiums collected each year. Prudential is responsible for paying the taxes on SGLI and VGLI premiums collected. The requirement to pay taxes is, of course, reflected in the amount of the premiums charged the insureds. Since the inception of both programs, the insureds have paid over $50.8 million in State premium taxes. Approximately $2.45 million was paid in the policy year ending June 30, 1986, alone.

As noted earlier, Congress, by enacting the Omnibus Reconciliation Act of 1980, Pub. L. No. 96-499, § 405, 94 Stat. 2599, 2606-07 (1980), exempted the civilian counterpart of SGLI and VGLI, the FEGLI program, from payment of State premium taxes. That a similar tax exemption is appropriate for SGLI/VGLI is evident from the similarity of both the objectives and structure of the three programs.

In the FEGLI program, the Office of Personnel Management makes group life insurance available to both present and retired Federal employees under a policy of insurance obtained from the commercial life insurance industry. Under the terms of the FEGLI policy, as is required under the SGLI/VGLI policy, the private insurer provides an Office of Insurance and has the responsibility to: (a) settle and pay claims; (b) contract for and administer reinsurance contracts with other insurers in the programs; (c) participate with other insurance carriers in maintaining a conversion pool to cover individuals separated from Federal service who wish to convert their coverage to private insurance; (d) maintain a contingency reserve for adverse fluctuations in future charges; and (e) prepare annual financial statements covering its activities. Other similarities in the programs include the automatic coverage provided to most insureds, the Government's collection of premiums by deduction from the individual insureds' military pay or Federal salary, and the Government's maintenance of records detailing an individual's insurance status while in the military or employed by the Federal government.

In view of the similarities in the programs and the fact that FEGLI has been specifically exempted from State premium taxation, we believe that SGLI and VGLI should receive a similar exemption. Equity suggests such an exemption in that it would allow equal treatment of civilian and military Federal personnel. As in the FEGLI program, the proposed tax exemption would not apply to a tax, fee, or other monetary payment imposed on the net income of profit accruing to or realized by an insurance company from business conducted under the SGLI or VGLI programs if the tax, fee, or payment is applicable to a broad range of business activity.

Exemption of the SGLI/VGLI program from State taxation would reduce expenses of administration and the resulting savings would ultimately be passed on to the insureds in the form of lower premium rates. As any savings would inure to the benefit of the insureds, there would be no savings or costs to the Government.

ADMINISTRATION OF VMLI

Sections 301 and 302 of our proposal would amend section 806 of title 38, United States Code, to authorize the VA to assume all administrative functions under the Venterans' Mortgage Life Insurance (VMLI) program. The VMLI program, established under Pub. L. No. 92-85, 85 Stat. 320 (1971), provides automatic mortgage life insurance coverage to disabled veterans who receive VA assistance in obtaining specially-adapted housing. Currently, a private insurance company (Bankers Life Insurance Company of Nebraska) acts as the insurer in this program under contract to the VA. Reliance on a private insurance carrier, as required by Pub. L. No. 92-95, has proven costly and inefficient. Assumption by the VA of the insurer's role would improve program efficiency and result in significant administrative cost savings. Veterans' substantive rights would be unaffected by our proposal, which would not change the terms of insurance coverage.

At present, the private insurer's responsibility under the VMLI program is quite limited. The private insurer merely collects premiums from a small number of veterans not receiving cash benefits from the VA (approximately one percent of all insureds) and pays claims for death benefits.

The private insurer's functions under the program could be assumed by existing VA insurance operations, resulting in a considerable saving in overhead costs. In addition, the profit charged by the commercial insurer would be eliminated. The cost per claim processed by the private insurer, derived by adding administrative expenses and taxes divided by the number of claims processed, has exceeded $300 in recent years. In contrast, it is estimated that, if the VA assumed all administrative functions under the program, the cost per claim processed would decline dramatically to about $25 per claim. A significant cost saving would thus be realized.

The VA Insurance Centers in St. Paul, Minnesota, and Philadelphia, Pennsylvania, have already assumed substantial administrative responsibility for the VMLI program. The duties presently performed by the VA include notification of eligibility, control and processing of correspondence, computation of premiums and reserve credits, recordkeeping, and control of premium deductions from veterans' benefit payments. Further, the Government remains responsible for liabilities incurred under the program. Consolidation of all VMLI functions in the VA would add little to the Government's administrative burden, while greatly enhancing program efficiency.

We estimate that this consolidation would result in net cost savings totaling $75,607 in fiscal year 1988, increasing to $86,345 in fiscal year 1992.

Advice has been received from the Office of Management and Budget that there is no objection to the submission of the draft legislation and that its enactment would be in accord with the program of the President.

Sincerely,

THOMAS K. TURNAGE,
Administrator.

By Mr. LAUTENBERG:

S.J. Res. 117. A joint resolution designating July 2, 1987, as "National Literacy Day"; to the Committee on the Judiciary.

NATIONAL LITERACY DAY

● Mr. LAUTENBERG. Mr. President, I am pleased to introduce a resolution to designate July 2, 1987, as National Literacy Day. It is vital to call attention to the problem of illiteracy, to help others understand the severity of this problem and its detrimental effect on our society, and to reach those who are unaware of the service and help available for illiterate people.

In the book "Illiterate America" by Jonathan Kozol, the author describes an invisible minority, the growing crisis of illiteracy in America. In this country it is often said that we live in the information age. Yet for many Americans, information is inaccessible. Over 27 million American adults cannot read. An additional 35 million read below the level needed to function successfully. The cost of these wasted human resources is estimated at $225 billion, although, in truth, no value can be put on the devastation of illiteracy.

The cost includes the lifetime earnings that will not be realized by men and women who cannot get and hold jobs requiring any reading skills. The cost includes child welfare expenditures for the children of adults who

lack the skills to get jobs. The cost includes prison maintenance for the inmates whose imprisonment can be linked to their illiteracy. The cost includes on-the-job accidents and damage to equipment caused by the inability of workers to read and understand instructions for the operation of machines.

And the human cost is even higher. The daily activities that we take for granted—reading the newspaper, reading a menu, reading a street or subway map, reading a note from a child's teacher—become a nightmare for illiterate people. They devise remarkable strategies of evasion and coping. The creativity that goes into hiding the inability to read is a terrible waste and a tragic commentary on the losses illiterate people suffer.

It is vital to call attention to the problem of illiteracy. Our society must begin to understand the severity of this problem and its detrimental effects. Perhaps even more essential is the need to reach the people who need help in overcoming their illiteracy and to make them aware of the services that are available.

Mr. President, for these reasons, I am introducing a resolution to designate July 2, 1987 as National Literacy Day. I urge my colleagues to support this resolution.

I ask unanimous consent that text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 117

Whereas literacy is a necessary tool for survival in our society;

Whereas 35,000,000 Americans today read at a level which is less than necessary for full survival needs;

Whereas there are 27,000,000 adults in the United States who cannot read, whose resources are left untapped, and who are unable to offer their full contribution to society;

Whereas illiteracy is growing rapidly, as 2,300,000 persons, including 1,200,000 legal and illegal immigrants, 1,000,000 high school dropouts, and 100,000 refugees, are added to the pool of illiterates annually;

Whereas the annual cost of illiteracy to the United States in terms of welfare expenditures, crime, prison expenses, lost revenues, and industrial and military accidents has been estimated at $225,000,000,000;

Whereas the competitiveness of the United States is eroded by the presence in the workplace of millions of Americans who are functionally or technologically illiterate;

Whereas there is a direct correlation between the number of illiterate adults unable to perform at the standard necessary for available employment and the money allocated to child welfare and unemployment compensation;

Whereas the percentage of illiterates in proportion to population size is higher for blacks and Hispanics, resulting in increased economic and social discrimination against these minorities;

Whereas the prison population represents the single highest concentration of adult illiteracy;

Whereas 1,000,000 children in the United States between the ages of 12 and 17 cannot read above a 3rd grade level, 13 percent of all 17-year-olds are functionally illiterate, and 15 percent of graduates of urban high schools read at less than a 6th grade level;

Whereas 85 percent of the juveniles who appear in criminal court are functionally illiterate;

Whereas the 47 percent illiteracy rate among black youths is expected to increase to 50 percent by 1990;

Whereas one-half of all heads of households cannot read past the 8th grade level and one-third of all mothers on welfare are functionally illiterate;

Whereas the cycle of illiteracy continues because the children of illiterate parents are often illiterate themselves because of lack of support they receive from their home environment;

Whereas Federal, State, municipal, and private literacy programs have only been able to reach 5 percent of the total illiterate population;

Whereas it is vital to call attention to the problem of illiteracy, to understand the severity of the problem and its detrimental effects on our society, and to reach those who are illiterate and unaware of the free services and help available to them; and

Whereas it is also necessary to recognize and thank the thousands of volunteers who are working to promote literacy and provide support to the millions of illiterates in need of assistance: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 2, 1987, is designated as "National Literacy Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 39

At the request of Mr. MOYNIHAN, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 81

At the request of Mr. METZENBAUM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's Disease and related dementias home and community based services block grant.

S. 104

At the request of Mr. MOYNIHAN, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 225

At the request of Mr. D'AMATO, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 225, a bill to amend title II of the Social Security Act to protect the benefit levels of individuals becoming eligible for benefits in or after 1979 by eliminating the disparity (resulting from changes made in 1977 in the benefit computation formula) between those levels and the benefit levels of persons who become eligible for benefits before 1979.

S. 322

At the request of Mr. SARBANES, the names of the Senator from Georgia [Mr. NUNN] was added as a cosponsor of S. 322, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia.

S. 437

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from South Dakota [Mr. DASCHLE], the Senator from Illinois [Mr. DIXON] and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 437, a bill to amend the Small Business Investment Act of 1958 to permit prepayment of loans made to State and local development companies.

S. 604

At the request of Mr. PRYOR, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 668

At the request of Mr. MCCLURE, the name of the Senator from Minnesota [Mr. DURENBERGER], and the Senator from California [Mr. CRANSTON] were added as cosponsors of S. 668, a bill for the relief of Bela Karolyi.

S. 675

At the request of Mr. MITCHELL, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 675, a bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992.

S. 685

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. BURDICK] and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 685, a bill to amend the Deficit Reduction Act of 1984 to make permanent the administrative offset debt collection provisions with respect to education loans.

S. 743

At the request of Mr. CHAFEE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 743, a bill to authorize the Environmental Protection Agency to conduct a study for the purpose of determining the extent to which radon in the Nation's schools poses a threat

to children and employees within such schools, and for other purposes.

S. 778

At the request of Mr. KENNEDY, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from Colorado [Mr. WIRTH], the Senator from Arkansas [Mr. PRYOR], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of S. 778, a bill to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign languages, and for other purposes.

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 778, supra.

S. 902

At the request of Mr. MCCLURE, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of S. 902, a bill to amend the Food Security Act of 1985 and the National School Lunch Act to extend to 1992 the eligibility of certain school districts to receive alternative forms of assistance for school lunch programs and to amend the Agriculture and Food Act of 1981, the Child Nutrition Amendments of 1986, and the School Lunch and Child Nutrition Amendments of 1986 to extend to 1992 the national donated commodity processing program.

S. 904

At the request of Mr. GRASSLEY, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 904, a bill to amend the Job Training Partnership Act to establish a literacy training program to serve individuals most in need of literacy skills who are not presently being served.

S. 933

At the request of Mr. FORD, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 933, a bill to amend the Congressional Budget Act of 1974 to minimize the impact on State and local governments of unexpected provisions of legislation proposing the imposition of large unfunded costs on such governments, and for other purposes.

S. 1076

At the request of Mr. BRADLEY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1076, a bill to amend title XVIII of the Social Secretary Act to improve the availability of home health services under the medicare program, and for other purposes.

SENATE JOINT RESOLUTION 11

At the request of Mr. THURMOND, the names of the Senator from Virginia [Mr. TRIBLE] and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 11, a joint resolution proposing an amendment to the Constitution relating to Federal balanced budget.

SENATE JOINT RESOLUTION 44

At the request of Mr. DURENBERGER, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 44, a joint resolution to designate November 1987, as "National Diabetes Month."

SENATE JOINT RESOLUTION 48

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 48, a joint resolution designating the week of September 14, 1987 through September 20, 1987, as "Benign Essential Blepharospasm Week."

SENATE JOINT RESOLUTION 61

At the request of Mr. D'AMATO, the names of the Senator from Connecticut [Mr. WEICKER], the Senator from California [Mr. CRANSTON], the Senator from Virginia [Mr. WARNER], the Senator from Utah [Mr. HATCH], the Senator from Maryland [Mr. SARBANES], the Senator from Iowa [Mr. GRASSLEY], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Mississippi [Mr. STENNIS], the Senator from Michigan [Mr. RIEGLE], the Senator from California [Mr. WILSON], the Senator from New York [Mr. MOYNIHAN], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Georgia [Mr. NUNN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Illinois [Mr. DIXON], the Senator from Nevada [Mr. HECHT], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kansas [Mr. DOLE], the Senator from Maine [Mr. MITCHELL], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from North Dakota [Mr. BURDICK], the Senator from Florida [Mr. CHILES], the Senator from Virginia [Mr. TRIBLE], the Senator from Indiana [Mr. QUAYLE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Wisconsin [Mr. KASTEN], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Georgia [Mr. FOWLER], the Senator from Rhode Island [Mr. PELL], the Senator from Massachusetts [Mr. KERRY], the Senator from Nebraska [Mr. EXON], the Senator from South Dakota [Mr. DASCHLE], the Senator from Nevada [Mr. REID], the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. DANFORTH], the Senator from Arizona [Mr. DECONCINI], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. WIRTH], the Senator from North Carolina [Mr. SANFORD], the Senator from Vermont [Mr. LEAHY], the Senator from Utah [Mr. GARN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Ohio [Mr. GLENN], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 61, a joint resolution to authorize and request the President to issue a proclamation designating May 3 through May 10, 1987, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 75

At the request of Mr. THURMOND, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Virginia [Mr. WARNER], the Senator from North Carolina [Mr. SANFORD], the Senator from South Carolina [Mr. HOLLINGS] and the Senator from Nevada [Mr. REID], were added as cosponsors of Senate Joint Resolution 75, a joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week."

SENATE JOINT RESOLUTION 98

At the request of Mr. HATCH, the name of the Senator from Alabama [Mr. SHELBY], was added as a cosponsor of Senate Joint Resolution 98, a joint resolution to designate the week of November 29, 1987, through December 5, 1987, as "National Home Health Care Week."

SENATE JOINT RESOLUTION 107

At the request of Mr. SPECTER, the names of the Senator from Delaware [Mr. ROTH], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 107, a joint resolution to designate April 1987, as "Fair Housing Month."

SENATE JOINT RESOLUTION 115

At the request of Mr. SYMMS, the names of the Senator from Rhode Island [Mr. PELL], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 115, a joint resolution making an urgent supplemental appropriation for emergency assistance to the Polish independent trade union organization NSZZ "Solidarnosc" for the fiscal year ending September 30, 1987, and for other purposes.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. DECONCINI, the names of the Senator from Nevada [Mr. REID], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

SENATE CONCURRENT RESOLUTION 52—TO RECOGNIZE AND CONGRATULATE DUCKS UNLIMITED, INC. ON ITS 50TH ANNIVERSARY

Mr. BURDICK (for himself, Mr. MITCHELL, Mr. BREAUX, Mr. CHAFEE, Mr. WALLOP, Mr. BUMPERS, Mr. FORD, Mr. HOLLINGS, Mr. WARNER, Mr. GORE, Mr. PRYOR, Mr. CHILES, Mr. BOREN, Mr. PROXMIRE, Mr. LEVIN, Mr. LUGAR, Mr. DOLE, Mr. BIDEN, Mr. GRAMM, Mr. QUAYLE, Mr. KASTEN, Mr. SYMMS, Mr. MURKOWSKI, Mr. SIMPSON, Mr. DASCHLE, Mr. MCCLURE, Mr. DOMENICI, Mr. SHELBY, Mr. ARMSTRONG, Mr. SASSER, Mr. MCCONNELL, Mr. WIRTH, Mr. GRASSLEY, Mr. STAFFORD, Mr. INOUYE, Mr. ROTH, Mr. STEVENS, Mr. COCHRAN, Ms. MIKULSKI, Mr. BRADLEY, Mr. BAUCUS, Mr. DURENBERGER, Mr. BOND, Mr. GRAHAM, Mr. NUNN, Mr. GARN, Mr. HECHT, Mr. PELL, Mr. SARBANES, Mr. JOHNSTON, and Mr. THURMOND) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON. RES. 52

Whereas Ducks Unlimited, Incorporated, is one of the largest and most successful private wetlands and waterfowl conservation organizations in the world, having raised nearly $400,000,000 and conserved more than 4,000,000 acres of wetlands throughout North America;

Whereas wetlands play an integral role in maintaining the quality of life through material contributions to our national economy, food supply, water quality and supply, flood control, and fish, wildlife, and plant resources, and thus to the health, safety, recreation, and economic well-being of all citizens;

Whereas wetlands constitute only a small percentage of the land area of North America, are estimated to have been reduced by half in the contiguous States, and continue to disappear at the rate of nearly 700,000 acres each year;

Whereas governments alone cannot adequately protect valuable wetlands without help from private organizations;

Whereas the members, volunteers, and staff of Ducks Unlimited have given generously of their time, energy, and financial resources to achieve outstanding conservation objectives;

Whereas Ducks Unlimited has established and maintained a singleness of purpose for the protection and enhancement of waterfowl habitats that is a standard other organizations have sought to achieve; and

Whereas January 29, 1987, was the 50th anniversary of the founding of Ducks Unlimited and its pioneering leadership in continent-wide waterfowl conservation programs: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and congratulates Ducks Unlimited, Incorporated, for its 50 years of unprecedented accomplishments in the protection and enhancement of wetlands waterfowl habitat.

Mr. BURDICK. Mr. President, on January 29, 1987, Ducks Unlimited, Inc., celebrated its 50th anniversary. This unique organization was started in the late 1930's by sportsmen who recognized that waterfowl populations were declining dramatically due to the destruction of important habitat. Ducks Unlimited's first project in 1938 was to protect that water supply for a 27,000-acre marsh in south-central Manitoba. In 1970, an affiliate organization in Mexico was established; and in 1985, a cooperative venture was undertaken with NASA to inventory some 60 million acres of wetlands. Ducks Unlimited is now one of the most successful private wetlands and waterfowl conservation organizations in the world. Over the past half century its members and supporters have raised nearly $400 million to conserve more than 4 million acres of wetlands throughout North America. Their work continues today through projects in important waterfowl areas throughout the United States and Canada. Last year alone, Ducks Unlimited Raised $50 million for wetlands preservation and enhancement in the Central United States and Canada. More than $400,000 of that amount was generated by the 9,000 members of Ducks Unlimited in North Dakota, who also have given generously of their time and energy to maintain and improve the continent's wetlands waterfowl habitat.

I am proud that Ducks Unlimited recently established a regional field office in Bismarck as part of their new U.S. habitat improvement program. But Ducks Unlimited has chapters in all of our States. The organization is one of the foremost examples of what can be accomplished when private individuals join together to protect and enhance an important natural resource. The benefits from their efforts accrue to all of us through the preservation of wetlands. In addition to providing habitat for waterfowl, these marshes and swamps also contribute to our national economy and general welfare. In recognition of 50 years of outstanding effort, we and our House colleagues have submitted this concurrent resolution in hopes of passage prior to the Ducks Unlimited annual convention to be held in early May.

Mr. President, I want to thank especially the 50 Senators who are original cosponsors of this worthwhile concurrent resolution. We hope that the remainder of our colleagues will join with us in honoring Ducks Unlimited.

Mr. MITCHELL. Mr. President, during the early 1930's, the prairies of the Western United States and Canada were hit by severe drought which not only had a devastating impact on the region's farmers but also on the marshes which dot this landscape. These wetlands typically produce more than half of all the ducks and geese in North America.

The drought also had a profound influence on a unique group of U.S. sportsmen and women, who had watched the numbers of ducks and geese plummet as marsh after marsh went dry. On January 29, 1937, these sportsmen and women decided to organize a private effort dedicated to perpetuating and increasing the continent's waterfowl by restoring and preserving prairie wetlands. They named their new organization "Ducks Unlimited", and they pledged themselves to raise money to protect the waterfowl habitat of North America.

Over the next 50 years, Ducks Unlimited purchased leases to conserve more than 4 million acres of wetlands habitat, constructed more than 3,000 wetlands projects and created more than 15,000 miles of shoreline for nesting waterbirds.

Last year alone, the 1,500 members of Ducks Unlimited in Maine raised $150,000 to preserve and enhance the continent's wetlands. These dedicated individuals also have given generously of their time and energy to achieve conservation objectives thousands of miles away.

For the last half century, Ducks Unlimited has remained steadfastly committed to its solitary goal of raising funds for wetlands waterfowl habitat. In recognition of that effort, I am joining today with the chairman of the Senate Environment and Public Works Committee, Senator BURDICK, in introducing a resolution to congratulate Ducks Unlimited on its 50th anniversary.

While most of the members of Ducks Unlimited are primarily, although not solely, interested in waterfowl hunting, much of their efforts in Maine and elsewhere are directed unselfishly toward funding wetlands protection and enhancement projects that provide them with little direct benefit. Their work benefits all of us through the preservation of our rich waterfowl heritage and, even more significantly, through the protection of our rapidly dwindling wetlands.

The wetlands of this continent are an immensely valuable resource in desperate need of all the public and private protection we can muster. Each day nearly 2,000 acres of wetlands are destroyed in the United States and Canada. In this country nearly 60 percent of all the marshes, bogs, and swamps that once existed already have been lost.

We should applaud every effort to protect the wetlands of North America not only because they provide habitat for waterfowl, but also because they contribute in many ways to our national economy and general welfare. Fish and wildlife nurtured by wetlands support much of our fishing, hunting, trapping, and birdwatching. In Maine, these activities contribute well over $250 million each year to the State's economy. The commercial fishing industry of Maine and the Nation also is largely dependent upon the wetlands

of our estuaries. In addition to these benefits, wetlands buffer the effects of storms, purify water, aid in replenishing ground water supplies, and provide substantial protection from flooding.

For all the wetland protection benefits we've received, I hope by colleagues in the Senate will join in saluting the more than 600,000 members of Ducks Unlimited in each of our States for their 50 years of pioneering leadership in the international conservation of waterfowl and wetlands.

Mr. GRAMM. Mr. President, I take great pleasure in joining so many of my colleagues on both sides of the aisle in sponsoring this resolution to recognize and congratulate the 600,000 members of Ducks Unlimited, Inc. on 50 years of wetlands conservation activities throughout North America.

Ducks Unlimited [DU] stands as a shining example of what can be accomplished through the initiative and efforts of individuals who are willing to donate time and resources to a cause in which they believe. I take great pride in representing the 35,000 Texans who are among the members of this fine organization. The 163 chapters throughout our State have provided invaluable assistance to DU as it works to protect wetlands habitat areas.

Over the past 50 years, as a result of the efforts of the volunteers who comprise the DU membership, more than 4 million acres of wetlands throughout North America have been preserved and close to $400 million have been raised through private, voluntary fundraising activities. The value of this work and the critical need for its continuation can be readily recognized when one realizes that wetlands on the North American Continent are disappearing at the alarming rate of more than 700,000 acres per year.

Mr. President, I congratulate Ducks Unlimited, Inc. and its members on 50 successful years. They will have my best wishes and my support as DU continues its valued conservation efforts.

SENATE CONCURRENT RESOLUTION 53—AUTHORIZING THE REPRINT OF A SENATE REPORT

Mr. MELCHER (for himself and Mr. HEINZ) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 53

Resolved by the Senate (the House of Representatives concurring), That the Senate Report 100-9, 100th Congress, 1st Session, entitled "Developments in Aging", be reprinted as a Senate document and that there shall be printed an additional 1,500 copies of Volume 1 and an additional 500 copies of Volume 2. All additional copies shall be for the use of the Special Committee on Aging.

AMENDMENTS SUBMITTED

VETERANS' EMPLOYMENT, TRAINING, AND COUNSELING AMENDMENTS

CRANSTON (AND OTHERS) AMENDMENT NO. 160

(Ordered referred to the Committee on Veterans' Affairs)

Mr. CRANSTON (for himself, Mr. MATSUNAGA, Mr. DECONCINI, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill (S. 999) to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans employment, counseling, and job-training services and programs; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Employment, Training, and Counseling Amendments of 1987".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.

Section 2003A(c) is amended in the matter preceding clause (1) by inserting "be functionally responsible to State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training and shall" after shall".

SEC. 3. LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) IN GENERAL.—(1) Section 2004 is amended to read as follows:

"2004. Local veterans' employment representatives

"(a)(1) The Secretary, acting through the Assistant Secretary for Veterans' Employment and Training, shall make available for use in each State, directly or by grant or contract, such funds as may be necessary to support the assignment of local veterans' employment representatives under this section.

"(2) Funds provided for use in a State under this subsection shall be sufficient to support the assignment of—

"(A) at least one full-time local veterans' employment representative in each local employment service office (i) at which 1,000 veterans registered during the 12-month period ending on the most recent June 30, or (ii) which has a service area in which 5,000 veterans reside. One additional such representative shall be assigned to such office for each additional 1,500 veterans who registered at such office during such period or 5,000 veterans who reside in such service area, whichever results in the assignment of the greater number of such representatives; and

"(B) in the case of each local employment service office at which less than 1,000 veterans registered during such period and which has a service area in which less than 5,000 veterans reside, an individual serving as a local veterans' employment representative on a part-time basis that bears the same proportion to full-time employment (rounded to the nearest one-eighth) as the number of veterans who registered during such period bears to 1,000 or the number of veterans who reside in a service area bears to 5,000, whichever results in the higher fraction of full-time service.

"(3) Each local veterans' employment representative shall be a veteran. Preference shall be given in the assignment of such representatives to disabled veterans. If the Secretary finds that no disabled veteran is available for any such assignment, such assignment may be given to a veteran who is not a disabled veteran. The Secretary shall monitor the assignment of such representatives to ensure compliance with the provisions of this paragraph.

"(b) Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State and shall be functionally responsible to State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training.

"(c)(1) Except as provided in paragraph (2) of this subsection, the services of local employment representatives shall be fully devoted to discharging the duties and functions prescribed for State Directors for Veterans' Employment and Training and Assistant State Directors for Veterans' Employment and Training in section 2003 of this title.

"(2) The duties of local veterans' employment representatives shall include providing, or facilitating the provision of, counseling services to veterans who, pursuant to section 5(b)(3) of the Veterans' Job Training Act (Public Law 98-77; 29 U.S..C 1721 note), are certified as eligible for participation under such Act.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2004. Local veterans' employment representatives.".

(b) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2)(A) Paragraphs (1) and (2) of subsection (a) of section 2004 of title 38, United States Code (as added by the amendment made by subsection (a)(1)) shall take effect on October 1, 1987.

(B) Paragraph (3) of such subsection (as so added) shall take effect with respect to assignments made after the thirtieth day following the date of enactment of this Act.

(b) BUDGETING.—Section 2006(a) is amended—

(1) in the fifth sentence—

(A) by inserting "and the assignment of local veterans' employment representatives under section 2004 of this title" after "title"; and

(B) by striking out "section" and inserting in lieu thereof "sections"; and

(2) by amending the sixth sentence to read as follows: "Each budget submission with respect to such funds shall include separate listings of the proposed number, by State, of disabled veterans outreach program specialists appointed under section 2003A of this title and local veterans employment representatives assigned under section 2004 of this title, together with in-

formation demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.".

SEC. 4. PERFORMANCE OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES AND DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.

(a) Chapter 41 is amended by inserting after section 2004 the following new section:

"2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives

"(a)(1) The Secretary shall develop, and provide for the implementation and application of, standards for the performance of disabled veterans' outreach program specialists appointed under section 2003A of this title and local veterans' employment representatives assigned under section 2004 of this title and shall monitor the activities of such specialists and representatives.

"(2) Such standards shall be designed to provide for—

"(A) in the case of such specialists, the effective performance at the local level of the duties and functions of such specialists under section 2003A(b) and (c) of this title,

"(B) in the case of such representatives, the effective implementation at the local level of the duties and functions of such representatives under section 2004(c) of this title, and

"(C) the monitoring and rating activities prescribed by subsection (b) of this section.

"(b)(1) State Directors of Veterans' Employment and Training and Assistant State Directors of Veterans' Employment and Training shall regularly monitor the performance of such specialists and representatives through the application of such standards.

"(2) A State Director of Veterans' Employment and Training, or such Director's designee, shall formally participate (by submitting recommendations and comments) in each annual performance rating of a disabled veterans' outreach program specialist or local veterans' employment representative.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding at the end the following: "2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives.".

SEC. 5. INFORMATION REGARDING POTENTIAL EMPLOYERS.

Section 2005 is amended—

(1) by inserting "(a)" before "All"; and

(2) by adding at the end the following new subsection:

"(b) For the purpose of assisting the Secretary and the Administrator in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense shall provide to the Secretary of Labor and to the Administrator (1) not more than 30 days after the date of the enactment of this subsection, the then-current list of employers participating in the National Committee for Employer Support of the Guard and Reserve, and (2) thereafter, on the fifteenth day of each month, updated information regarding the list.".

SEC. 6. CLARIFICATION OF RESPONSIBILITIES OF EMPLOYMENT SERVICE PERSONNEL.

(a) STATE AND ASSISTANT STATE DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 2003(c) is amended—

(1) in clause (1), by inserting ", including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" after "programs"; and

(2) in clause (2), by inserting "and otherwise to promote the employment of eligible veterans and eligible persons" after "opportunities".

(b) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 2003A(c) is amended—

(1) in clause (4), by inserting "(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et. seq.))" after "programs";

(2) in clause (6), by inserting "(including part program conducted under Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))" after "programs"; and

(3) by adding at the end the following new clause:

"(9) Provision of counseling services to veterans with respect to veterans' selection of and changes in vocations and veterans' vocational adjustment.".

SEC. 7. NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICE INSTITUTE.

(a) ESTABLISHMENT OF INSTITUTE.—Chapter 41 is further amended by adding at the end the following new section:

"2011B. National Veterans' Employment and Training Service Institute

"In order to provide for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, placement, and related services to veterans, the Secretary shall establish and operate a National Veterans' Employment and Training Service Institute for the training of disabled veterans' outreach program specialists, local veterans employment representatives, and State and Assistant State Directors for Veterans' Employment and Training, and such other personnel involved in the provision of employment, job training, placement, or related services as the Secretary considers appropriate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is further amended by adding at the end the following new item:

"2011B. National Veterans' Employment and Training Service Institute.".

SEC. 8. SHARING OF INFORMATION REGARDING EMPLOYERS.

Section 2008 is amended—

(1) by inserting "(a)" before "In"; and

(2) by adding at the end the following new subsection:

"(b) The Administrator shall require each regional office of the Veterans' Administration to provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis the names and addresses of employers located in the area served by such regional office that offer a program of job training which has been approved by the Administrator under section 7 of the Veterans' Job Training Act (Public Law 98-77: 29 U.S.C 1721 note).".

SEC. 9. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) PAYMENTS TO EMPLOYERS.—The second sentence of section 8(a)(1) of the Veterans' Job Training Act (Public Law 98-77: 29 U.S.C. 1721 note) is amended to read as follows: "Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran shall be—

"(A) in the case of a program of job training of 4 or more months duration—

"(i) for the first 4 months of such program, 30 percent of the product of (I) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during such months;

"(ii) for any period after the first 4 months, 50 percent of the product of (I) the actual hourly rate of wages paid to the veterans by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during that period; and

"(iii) upon the veteran's successful completion of the program, the amount that would have been paid, above the amount that was paid, for such first 4 months pursuant to subclause (i) if the percentage specified in subclause (i) of this clause were 50 percent rather than 30 percent; and

"(B) in the case of a program of job training of less than 4 months duration—

"(i) for the months prior to the final scheduled month of the program, 30 percent of the product of (I) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during the months prior to such final scheduled month;

"(ii) for the final scheduled month of the program, 50 percent of the product of (I) the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (II) the number of hours worked by the veteran during that month; and

"(iii) upon the veterans' successful completion of the program, the amount that would have been paid, above the amount that was paid, for the months prior to the final scheduled month of the program pursuant to subclause (i) of this subclause if the percentage specified in subclause (i) were 50 percent rather 30 percent.

(b) COUNSELING.—Section 14 of such Act is amended by striking out subsection (b) and iserting in lieu thereof the following:

"(b) The Administrator and the Secretary shall jointly provide for—

"(1) a program under which a case manager is assigned to each veteran participating in a program of job training under this Act and periodic (not less than monthly) contact is maintained with each such veteran for the purpose of (A) avoiding unnecessary termination of employment, (B) referring the veteran to appropriate counseling, if necessary, and (C) facilitating the veteran's successful completion of such program;

"(2) a program of counseling services (to be provided pursuant to subchapter IV of chapter 3 of this title and sections 612A, 2003A, and 2004 of this title) designed to resolve difficulties that may be encountered by veterans during their training under this Act; and

"(3) a program of information services under which (A) each veteran who enters a program of job training under this Act and each employer participating under this Act is informed of the supportive services and resources available to the veteran (i) through Veterans' Administration counseling and career development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of title 38, United States Code) and under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and (ii) through other appropriate agencies in the community, and (B) veterans

and employers are encouraged to request such services whenever appropriate.

"(c) Before a veteran who voluntarily terminates from a program of job training under this Act or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this Act, such veteran must be provided by the Administrator with appropriate vocational counseling in light of the veteran's termination.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 16 of such Act is amended—

(1) by inserting after the first sentence the following new sentence: "There is also authorized to be appropriated, in addition to the appropriations authorized by the preceding sentence, $60,000,000 for each of the fiscal years 1988 and 1989 for the purpose of making payments to employers under this Act.";

(2) in the final sentence, by striking out "1988" and inserting "1991".

(d) DEADLINES FOR VETERANS' APPLICATIONS AND ENTRY INTO TRAINING.—Section 17 of such Act is amended to read as follows:

"SEC. 17. (a) Assistance may not be paid to an employer under this Act—

"(1) on behalf of a veteran who initially applies for a program of job training under this Act after June 30, 1989; or

"(2) for any such program which begins after December 31, 1989.".

(e) CONFORMING AMENDMENT.—Section 5(b)(3)(A) of such Act is amended by striking out "The" at the beginning of the first sentence and inserting in lieu thereof "Subject to section 14(c), the".

(f) DATA ON PARTICIPATION.—Section 15 of such Act is amended by adding at the end the following new subsection:

"(f) The Secretary shall, on a not less frequent than quarterly basis, collect from the heads of State employment security agencies and State Directors for Veterans' Employment and Training information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 14, are referred to employers participating under this Act, participate in programs of job training under this Act, and complete such programs.".

SEC. 10. REVISIONS OF NOMENCLATURE

(a) SECRETARY OF LABOR.—(1) Section 2001 is amended by adding at the end the following new paragraph:

"(7) The term 'Secretary' means the Secretary of Labor.".

(2) Sections 2002A, 2003(a), 2003A(a)(1) and (d), 2005(a) (as redesignated by the amendment made by section 5(1)), 2006(a), 2007, 2008(a) (as redesignated by the amendment made by section 8(1)), 2009 and 2010(b) are amended by striking out "Secretary of Labor" each place it appears and inserting in lieu thereof "Secretary".

(b) ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2000, 2002, 2003A(a)(1), (3), and (5) and (d), 2006(a) and (d), 2009(a)(1), and 2010(b) are amended by inserting "and Training" after "Assistant Secretary of Labor for Veterans' Employment" each place it appears.

(2)(A) The heading of section 2002A is amended to read as follows:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of Chapter 41 is amended to read as follows:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training.".

(c)(1) STATE AND ASSISTANT STATE DIRECTOR FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 2003 and 2003A(b)(2) are amended by inserting "and Training" after "State Director for Veterans' Employment" and "Assistant State Director for Veterans' Employment", respectively, each place those terms appear.

(2)(A) The heading of section 2003 is amended to read as follows:

"2003. State and Assistant State Directors for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2003. State and Assistant State Directors for Veterans' Employment and Training.".

Mr. CRANSTON. Mr. President, as Chairman of the Veterans' Affairs Committee, I am today submitting an amendment to S. 999, the proposed "Veterans' Employment and Training Amendments of 1987." Joining me as cosponsors of this measure are my good friends and fellow committee members, the Senator from Hawaii [Mr. MATSUNAGA], Arizona [Mr. DECONCINI], and West Virginia [Mr. ROCKEFELLER]. This substitute amendment to S. 999—a bill which I introduced on April 9, 1987, to improve veterans' employment, job training, and counseling services and programs under chapter 41 of title 38, United States Code, and the Veterans' Job Training Act [VJTA]—would modify the bill so as to add provisions to authorize appropriations for fiscal year 1988 and fiscal year 1989 for VJTA and to extend the deadlines governing application and entry into job training programs under VJTA, as well as make certain technical changes and corrections in existing provisions in the bill.

Mr. President, on April 9, I made a detailed statement, beginning on page S 5031 of the RECORD, explaining the provisions of S. 999, which this amendment would modify. Rather than again describe these provisions, for an explanation of them I would refer my colleagues to my introductory statement on S. 999. Thus, the balance of my remarks will be directed to the changes to that measure that are proposed in this amendment.

AUTHORIZATION OF VJTA APPROPRIATIONS

First, Mr. President, in order to provide for the continuation of VJTA, this legislation would amend section 9 of S. 999 to add a new subsection (c) to authorize VJTA appropriations of $60 million for each of the fiscal years 1988 and 1989. It had been my intention originally to include this authorization of appropriations in S. 999 along with the various VJTA program reforms proposed in the bill. Unfortunately, however, the authorization was inadvertently omitted in the drafting of the measure.

Mr. President, this funding would enable approximately 40,000 additional veterans to participate in VJTA job training programs over the next 2 fiscal years. At present, except for the remainder of a modest amount of funds—$471,000—available to this program from deobligated moneys resulting from early terminations of individual veterans' job training programs, funding for this program was exhausted a number of months ago. With regard to the deobligated moneys, I am very pleased that in February officials of the Department of Treasury reversed an earlier determination that these funds, which were originally appropriated in fiscal year 1984, could not be spent after the end of fiscal year 1986. However, the funds thus to be made available for reobligation by the end of fiscal year 1987—up to $8 million—will soon be absorbed entirely by providing an estimated 1,500 veterans with job training opportunities. Meanwhile, more than 20,600 veterans are currently certified and eager to participate in VJTA.

As part of an effort to provide additional funding in fiscal year 1987, I joined earlier this year with my good friend from West Virginia [Mr. ROCKEFELLER], in introducing S. 553, the proposed "Veterans' Job Training Act Extension of 1987," which includes a provision to extend through fiscal year 1987 and fiscal year 1988 the as-yet-unutilized portion—$30 million—of the fiscal year 1986 authorization of appropriations for VJTA. More recently, the Veterans' Affairs Committee incorporated the provisions of S. 533 in section 106 of S. 477, as reported on March 18, 1987, the proposed "Homeless Veterans' Assistance Act of 1987," which the Senate passed on March 31. Also, on April 9 the Senate again passed the provisions of title I of S. 477 as reported, which includes section 106, as title IX of H.R. 558, the proposed "Urgent Relief For the Homeless Act." Efforts are underway in both bodies now to add $30 million in fiscal year 1987 supplemental appropriations pursuant to this Senate-passed authorization.

Mr. President, I am very hopeful that we will succeed in promptly enacting the extension of the authorization of VJTA appropriations for fiscal year 1987, as would be authorized in S. 477 and H.R. 558, and for the next 2 fiscal years, as would be authorized by S. 999, as amended by this measure—as well as the actual appropriations so greatly needed to revitalize this important job training program and to sustain its operations in the coming years.

OTHER PROVISIONS

Second, Mr. President, in light of the authorization of fiscal year 1988 and 1989 appropriations, this measure would add a new subsection (d) to section 9 of S. 999 to amend section 17 of

VJTA in order to extend the deadlines for eligible veterans to apply for training and to enter into job training programs. Under this bill as amended, these deadlines would be changed from July 2, 1987, to June 30, 1989, and from January 2, 1988, to December 31, 1989, respectively.

Finally, Mr. President, a number of proposed minor corrections to the existing provisions of S. 999 are included in this amendment. The title of S. 999 would be amended to include counseling—thus, renaming the bill the "Veterans' Employment, Training, and Counseling Amendments of 1987"—in recognition of the array of job counseling services under chapter 41 of title 38 and the increased emphasis on the provision of such services in VJTA that would be mandated by S. 999. In addition, section 4(a)(2) of S. 999, requiring the participation of Assistant State Directors of Veterans' Employment and Training in annual evaluations of Local Veterans' Employment Representatives [LVER's], would be amended. Specifically, the State Director of Veterans' Employment and Training or his or her designated representative, rather than the Assistant State Directors, would be charged with responsibility for participating in the annual ratings of LVER's, and the responsibility to participate in the performance ratings would be expanded to include the ratings of Disabled Veterans' Outreach Program specialists [DVOP's]. These proposed changes reflect the fact that some States do not have Assistant State Directors of Veterans' Employment and Training and the need for increased accountability with respect to DVOP's as well as to LVER's.

CONCLUSION

Mr. President, the provisions in S. 999, as they would be modified by this amendment, would enhance in numerous and important ways VJTA and the job counseling, training, and placement services available to our Nation's veterans. I urge all of my colleagues to support S. 999, as proposed to be amended.

ACREAGE DIVERSION PROGRAM FOR WINTER WHEAT

BOSCHWITZ (AND OTHERS) AMENDMENT NO. 161

Mr. BOSCHWITZ (for himself, Mr. COCHRAN, Mr. PRYOR, Mr. HEFLIN, Mr. BOND, Mr. KARNES, Mr. DURENBERGER, Mr. GRASSLEY, Mr. BURDICK, Mr. DANFORTH, and Mr. MCCONNELL) proposed an amendment to the bill (H.R. 1157) to provide for an acreage diversion program applicable to producers of the crop of winter wheat harvested in 1987, and otherwise to extend assistance to farmers adversely affected by natural disasters in 1986; as follows:

At the end of the bill, add the following new sections:

SOYBEAN PROGRAM ADJUSTMENTS

SEC. 6. (a) Effective for the 1987 through 1990 crops of soybeans, section 201(i) of the Agricultural Act of 1949 (7 U.S.C. 1446(i)) is amended—

(1) in paragraph (2), by adding at the end thereof the following new sentence: "This paragraph shall not apply to the marketing year for the 1987 crop of soybeans.";

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out "If" and all that follows through "may" and inserting in lieu thereof "In the case of each of the 1987 through 1990 crops of soybeans, the Secretary shall"; and

(B) in subparagraph (B), by striking out "If" and all that follows through "the Secretary shall" and inserting in lieu thereof "The Secretary shall"; and

(3) by adding at the end thereof the following new paragraphs:

"(7)(A) The Secretary may, for each of the 1987 through 1990 crops of soybeans, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forgo obtaining such loan or agreement in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) a loan deficiency payment equal to the difference between—

"(I) the loan payment rate; and

"(II) the prevailing world market price for soybeans as determined by the Secretary; by

"(ii) the quantity of soybeans the producer is eligible to place under the loan.

"(C) Payments to a producer under this paragraph shall be made—

"(i) as soon as possible after the certification of eligible soybeans has been provided by the producer and after the producer waives the right to place the soybeans under the loan program; and

"(ii) at the option of the Secretary, in the form of in-kind negotiable certificates in such manner as the Secretary determines appropriate to enable the producer to receive payments in an efficient, equitable, and expeditious manner so as to ensure that the producer receives the same total return as if the payments had been made in cash.

"(D) Producers shall have the option of taking a loan deficiency payment on any part of eligible production at any time during which a nonrecourse loan could be obtained, and on which production such payment has not been made, without foregoing such option on the balance of the eligible production.

"(E) To avoid overpayments, the Secretary may require an accounting of soybeans for which a loan deficiency payment has been made before issuing another loan deficiency payment to the same producer.

"(F) The producers of soybeans placed under loans that are outstanding on the date of enactment of this paragraph may, at the option of the Secretary, for a reasonable time period established by the Secretary, receive a loan deficiency payment in exchange for repaying such loan and interest.

"(8) If a producer is permitted to repay a loan for a crop of soybeans under this subsection at a level that is less than the full amount of the loan, the Secretary shall support the price of cottonseed at such level as the Secretary determines will cause cottonseed to compete on equal terms with soybeans on the market.".

(b) Section 1001(2)(B)(v) of the Food Security Act of 1985 (7 U.S.C. 1308(2)(B)(v)) is amended—

(1) by striking out "or rice" and inserting in lieu thereof "rice or soybeans"; and

(2) by striking out "or 101A(b)" and inserting in lieu thereof ",101A(b), or 201(i)(7)".

SUNFLOWER MARKETING LOAN PROGRAM

SEC. 7. Effective for the 1987 through 1990 crops of sunflowers, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) in the first sentence, by inserting "sunflowers," after "soybeans,"; and

(2) by adding at the end thereof the following new subsection:

"(I)(1) The Secretary shall make available to producers loans and purchases for each of the 1987 through 1990 crops of sunflowers at such level as the Secretary determines will take into account the historical oil content of sunflowers and soybeans and not result in excessive total stocks of sunflowers taking into consideration the cost of producing sunflowers, supply and demand conditions, and world prices for sunflowers, except that such level may not be less than 8½ cents per pound.

"(2) If the Secretary reduces the level of loans and purchases for a crop of soybeans under subsection (i)(2), the Secretary may reduce the level of loans and purchases for the crop of sunflowers under paragraph (1) by the amount the Secretary determines is necessary to maintain domestic and export markets for sunflowers, except that the level of loans and purchases may not be reduced by more than 5 percent in any year. Any reduction in the loan and purchase level for sunflowers under this paragraph shall not be considered in determining the loan and purchase level for sunflowers for subsequent years.

"(3)(A) The Secretary shall permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for sunflowers, as determined by the Secretary.

"(B) The Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflowers; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflowers.

"(4) For purposes of this subsection, the marketing year of sunflowers shall be prescribed by the Secretary by regulation.

"(5)(A) The Secretary shall make a preliminary announcement of the level of price support for sunflowers for a marketing year not earlier than 30 days before the beginning of the marketing year.

"(B) The Secretary shall make a final announcement of such level not later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(6) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for sunflowers or any other commodity as a condition of eligibility for price support for sunflowers.".

SALE OF AGRICULTURAL NOTES AND OTHER OBLIGATIONS

SEC. 8. (a) The Secretary of Agriculture, under such terms as the Secretary may prescribe, shall sell notes and other obligations held in the Rural Development Insurance Fund established under section 309A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929a) in such amounts as to realize additional net proceeds sufficient to offset any additional outlays incurred as the result of the amendments made by sections 6 and 7.

(b) Consistent with section 309A(e) of such Act, any sale of notes of other obigations, as described in subsection (a), shall not alter the terms specified in the note or other obligation, except that, on sale, a note or other obligation shall not be subject to section 333(c) of such Act (7 U.S.C. 1983(c)).

(c) Notwithstanding any other provision of law, each institution of the Farm Credit System shall be eligible to purchase notes and other obligations held in the Rural Development Insurance Fund and to service (including the extension of additional credit and all other actions necessary to preserve, conserve, or protect the institution's interest in the purchased notes or other obligations), collect, and dispose of such notes and other obligations, subject only to such terms and conditions, as may be agreed to by the Secretary of Agriculture and the purchasing institution and as may be approved by the Farm Credit Administration.

(d) Prior to selling any note or other obligation, as described in subsection (a), the Secretary of Agriculture shall require persons offering to purchase the note or other obligation to demonstrate—

(1) an ability or resources to provide such servicing, with respect to the loans represented by the note or other obligation, that the Secretary determines is necessary to ensure the continued performance on the loan; and

(2) the ability to generate capital to provide the borrowers of the loan such additional credit as may be necessary in proper servicing of the loans.

DASCHLE AMENDMENT NO. 162

Mr. DASCHLE proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

DESIGNATION OF CERTAIN LANDS AS WETLANDS UNDER WATER BANK ACT

SEC. . The Secretary of Agriculture shall designate as "wetlands", for purposes of section 3 of the Water Bank Act (16 U.S.C. 1302), areas in the Kingsbury, Hamlin, Lake, Miner, Brookings, and Codington Counties of the State of South Dakota that suffered from floods in 1986: *Provided*, that, notwithstanding the designation of such lands as wetlands, total payments to owners and operators under the Water Bank Program for lands in the State of South Dakota shall not exceed $1,243,000 during fiscal year 1987.

DOLE (AND OTHERS) AMENDMENT NO. 163

Mr. DOLE (for himself, Mr. GRASSLEY, and Mr. KARNES) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

ETHANOL COST EFFECTIVENESS STUDY

SEC. . (a) The Secretary of Agriculture shall establish a panel to conduct a study of the cost effectiveness of ethanol production.

(b) The panel shall consist of 7 members appointed by the Secretary, of which—

(1) 4 members shall be persons who are representatives of—

(A) feed grain producers;

(B) feed grain processors;

(C) members of associations involved in the production and marketing of ethanol; and

(D) other related industries or institutions of higher education, or both; and

(2) no more than 2 of the remaining 3 members shall be employees of the Federal government.

(c) The panel shall—

(1) review and assess the economics and cost of production factors involved in the manufacture of ethanol in modern ethanol production facilities;

(2) assess ethanol technology, production, and marketing advances that have enabled the ethanol industry to grow rapidly since the inception of the industry in 1980;

(3) assess the economic impact on United States agriculture from fuel ethanol production from United States agricultural commodities;

(4) review and analyze the tradeoffs between Federal production and marketing incentives for fuel ethanol and other agricultural programs designed to enhance farm income and control agricultural production;

(5) analyze the effect on the agricultural economy resulting from increasing levels of ethanol production, including increased employment, increased tax receipts, expanded economic activity, export potential of residual products, and net costs or savings;

(6) provide an analysis of the impact fuel ethanol production has on agricultural prices and farm income; and

(7) analyze the effect of increased ethanol production on the balance of trade, energy, security, and air quality in the United States.

(d) Not later than 90 days after the date of enactment of this Act, the panel shall submit a report describing the results of the study to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Secretary of Agriculture.

DOLE (AND OTHERS) AMENDMENT NO. 164

Mr. DOLE (for himself, Mr. COCHRAN, Mr. GRASSLEY and Mr. KARNES) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

MARKETING LOAN REPORT

SEC. . If a marketing loan program is not established for the 1987 crop of wheat, feed grains, and soybeans under sections 107D(a)(5), 105C(a)(4), and 201(i)(3) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(a)(5), 1444e(c)(4), and 1446(i)(3)) before the date of enactment of this Act, the Secretary of Agriculture, no later than July 1, 1987, shall submit to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that contains—

(1) a statement of the reasons for not establishing marketing loan programs for the 1987 crop of wheat, feed grains, and soybeans;

(2) a comparison of—

(A) the cost of the price support and production control programs for the 1987 crop of wheat, feed grains, and soybeans; and

(B) the cost of such programs if such marketing loan programs were established;

(3) an analysis of the effectiveness of the existing marketing loan programs for cotton and rice;

(4) a comparison of—

(A) the effectiveness of the current marketing loan programs for cotton and rice; and

(B) the effectiveness of marketing loan programs that could be established by the Secretary for wheat, feed grains, and soybeans; and

(5) an analysis of whether the generic certificate program established by the Secretary produces the same effect on the price of exported grain as would be achieved by establishing marketing loan programs.

CONRAD AMENDMENT NO. 165

Mr. CONRAD proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

SUNFLOWER PRICE SUPPORT PROGRAM

Sec. —. Effective for the 1987 through 1990 crops of sunflowers, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) is amended—

(1) in the first sentence, by inserting "sunflowers," after "soybeans,"; and

(2) by adding at the end thereof the following new subsection:

"(1)(1) The Secretary may support the price of sunflowers through loans and purchases for each of the 1987 through 1990 crops of sunflowers at such level as the Secretary determines will take into account the historical price relationship between sunflowers and soybeans, the prevailing loan level for soybeans, and the historical oil content of sunflowers and soybeans, except the level of loans and purchases may not be less than 8½ cents per pound.

"(2)(A) The Secretary may permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for sunflowers, as determined by the Secretary.

"(B) If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflowers; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflowers.

"(3) If producers are permitted to repay loans for a crop of soybeans under subsection (i) at a level that is less than the full amount of the loan, the Secretary shall—

"(A) make loans and purchases available for the crop of sunflowers in accordance with paragraph (1); and

"(B) permit producers to repay loans for the crop in accordance with paragraph (2).

"(4)(A) The Secretary may, for each of the 1987 through 1990 crops of sunflowers, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree

to forgo obtaining such loan or agreement in return for such payments.

"(B) A payment under this paragraph shall be computed by multiplying—

"(i) the loan payment rate; by

"(ii) the quantity of sunflowers the producer is eligible to plant under loan.

"(C) For purposes of this paragraph, the loan payment rate shall be not less than the amount by which—

"(i) the loan level determined for such crop under paragraph (1); exceeds

"(ii) the level at which a loan may be repaid under this subsection.

"(D) At the option of the Secretary, payments to a producer under this paragraph shall be made in the form of cash or negotiable certificates redeemable for any agricultural commodity owned by the Corporation, or any combination thereof.

"(5) For purposes of this subsection, the marketing year of sunflowers shall be prescribed by the Secretary by regulation.

"(6)(A) The Secretary shall make a preliminary announcement of the level of price support for sunflowers for a marketing year not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) The Secretary shall make a final announcement of such level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. Such final level of support may not be announced later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(7) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for sunflowers or any other commodity as a condition of eligibility for price support for sunflowers.".

DOLE (AND GRASSLEY) AMENDMENT NO. 166

Mr. DOLE (for himself and Mr. GRASSLEY) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, add the following new section:

EMERGENCY COMPENSATION FOR 1986 CROP OF FEED GRAINS

Section 105C(c)(1)(D) of the Agricultural Act of 1949 (7 U.S.C. 1444e(c)(1)(D)) is amended—

(1) in clause (ii), by striking out "marketing year for such crop" and inserting in lieu thereof "first 5 months of the marketing year for the 1986 crop and the marketing year for each of the 1987 through 1990 crops."; and

(2) by adding at the end thereof the following new clause:

"(iii) Notwithstanding any other provision of law, established price payments for the 1986 crop of feed grains under this subparagraph shall be payable in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.".

HEFLIN (AND OTHERS) AMENDMENT NO. 167

Mr. LEAHY (for Mr. HEFLIN, for himself, Mr. BOREN, and Mr. BUMPERS) proposed an amendment to the bill H.R. 1157, supra; as follows:

At the end of the bill, insert the following new section:

SUPPLEMENTAL PEANUT AND SOYBEAN PAYMENTS

SEC. 7. Section 633(B)(a)(5)(B)(ii) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in section 101(a) of Public Laws 99-500 and 99-591, is amended by adding at the end thereof a new sentence as follows: Notwithstanding the preceding language of this clause with respect to the 1986 crops of peanuts and soybeans, with respect to producers of such commodities whose 1985 plantings were prevented or below normal levels because of rotation practices carried out by such producers, the limitation shall be based upon the historical plantings of such commodities as determined by the local committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)):

Provided, That the supplemental payments authorized by the enactment of this sentence may be made only to the extent such payments are provided for in advance in an appropriation Act: *Provided further,* That notwithstanding any other provision of Public Laws 99-500 and 99-591, applications for such payments shall be filed by May 31, 1987.".

On page 4, line 20, strike out "section 5" and insert in lieu thereof "sections 5, 6, and 7".

STAR SCHOOLS PROGRAM

KENNEDY AMENDMENT NO. 168

Mr. KENNEDY proposed an amendment to the bill (S. 778) to authorize a star schools program under which grants are made to educational telecommunications partnerships to develop, construct, and acquire telecommunications facilities and equipment in order to improve the instruction of mathematics, science, and foreign language, and for other purposes; as follows:

On page 12, line 1, strike out "nonprofit".

BINGAMAN AMENDMENT NO. 169

Mr. KENNEDY (for Mr. BINGAMAN) proposed an amendment to the bill S. 778, supra; as follows:

On page 11, line 18, before the comma insert the following "or elementary and secondary schools operated for Indian children by the Department of the Interior eligible under section 111(d)(2) of the Elementary and Secondary Education Act of 1965".

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on oversight of value engineering programs in Federal agencies on Wednesday, April 29, at 9:30 a.m. in room 342 of the Dirksen Senate Office Building.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, April 29, 1987, at 9 a.m., to consider an original bill to authorize appropriations for the Federal Election Commission for fiscal year 1988. The committee will also be marking up S. 2, the "Senatorial Election Campaign Act of 1987".

For further information concerning this meeting, please contact Jack Sousa, elections counsel for the Rules Committee, on 224-5648.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, on Monday, the Department of the Interior issued its final report on the future management of the 1.9-million-acre coastal plain of the Arctic National Wildlife Refuge, Alaska.

Section 1002 of the Alaska National Interest Lands Conservation Act [ANILCA] directed the Department of the Interior to prepare and transmit a report to Congress which describes the fish and wildlife resources of the coastal plain; identifies and estimates the volume and extent of potential hydrocarbon resources; assesses the potential impacts of exploration and development; discusses transportation of oil and gas; discusses the national need for domestic sources of oil and gas; and recommends whether further exploration, development, and production of oil and gas should be allowed.

On the basis of the information contained in the final report, the Secretary of the Interior has recommended that the Congress enact legislation directing the Department to conduct an orderly and environmentally sensitive oil and gas leasing program for the coastal plain.

Mr. President, I am well aware that many other individuals, both in and out of the Congress, do not share the Secretary's conclusions with regard to oil and gas leasing in this area. Serious concerns have been raised about the potential adverse impacts of oil and gas production and development on (1) the Porcupine caribou herd and other wildlife; (2) native subsistence activities; (3) air and water quality; and (4) wilderness values of the coastal plain.

Pursuant to ANILCA, it is now up to Congress to decide where we go from here. The coastal plain is closed to further exploration and development for oil and gas unless the Congress specifically acts to open the area.

To begin this decisionmaking process, I am announcing today the scheduling of 4 days of oversight hearings

on the Department's final report. These hearings will be conducted on June 2, 4, 8, and 11. The hearings will begin each day at 9:30 a.m. and conclude at approximately 12 noon. The hearings will be held in room SD-366 of the Dirksen Senate Office Building. Should you wish information about testifying, submitting a statement, or other information, please contact Tom Williams at (202) 224-7145.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Projection Forces and Regional Defense of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 23, 1987, at 12 p.m. to mark up projection forces and regional defense portions of the fiscal years 1988 and 1989 authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, April 23, 1987, at 2 p.m. to mark up strategic forces and nuclear deterrence portions of the fiscal years 1988 and 1989 authorization legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 23, 1987, at 3:15 p.m. to markup fiscal year 1988 foreign assistance legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 23, 1987, at 10 a.m. and 2:30 p.m. to hold hearings on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGING

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Aging, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, April 23, 1987, at 2:30 p.m. to conduct a hearing on reauthorization of the Older Americans Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.9 billion in budget authority, but over in outlays by $13.3 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 20, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, S. Con. Res. 120. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32 and is current through April 10, 1987. The report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the CBO economic and technical estimating assumptions issued on January 2, 1987.

No changes have occurred since the last CBO report.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 1ST SESSION, AS OF APR. 10, 1987

[Fiscal year 1987—in billions of dollars]

	Current level [1]	Budget resolution (S. Con. Res. 120)	Current level +/− resolution
Budget authority	1,089.5	1,093.4	−3.9
Outlays	1,008.3	995.0	13.3
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,255.0	[2] 2,322.8	−67.8
Direct loan obligations	42.5	34.6	8.0
Guaranteed loan commitments	140.5	100.8	39.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,300 billion (Public Law 99-509).

FISCAL YEAR 1987, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 100TH CONGRESS, 1ST SESSION, AS OF APR. 10, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100-4)	−4	−4	
Emergency Supplemental for the Homeless (Public Law 100-6)	−7	−1	
Surface Transportation and Relocation Act (Public Law 100-17)	10,466	−80	2
Technical corrections to FERS Act (Public Law 100-20)	1	1	
Total enacted this session	10,456	−84	2
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund [1]	(3)	(3)	
Payments to health care trust funds [1]	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund [1]	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Replenishment of disaster relief funds [2]	57	50	
Total entitlements	754	467	
Total current level as of April 10, 1987	1,089,479	1,008,321	833,857
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,321	
Under budget resolution	3,871		18,543

[1] Interfund transactions do not add to budget totals.
[2] Included at request of Senate Budget Committee.
Note.—Numbers may not add due to rounding.●

THE PITTSBURGH THREE RIVERS REGATTA: "THE NO. 1 EVENT IN THE NO. 1 CITY"

● Mr. HEINZ. Mr. President, the Pittsburgh Three Rivers Regatta—a weekend extravaganza of water, land, and air entertainment—celebrates the waterways that are vital to the economic and recreational health of the city and our region of Pennsylvania. This free, family oriented event, which attracts over a half-million spectators each year, will celebrate its 10th anniversary this August, in what many have called the No. 1 event in the No. 1 city.

The Pittsburgh Three Rivers Regatta was founded in 1978 by Eugene F. Connelly, who has been its president

and general chairman ever since. Mr. Connelly was responsible for assemblying the regatta's operating committee, which includes the Gateway Clipper Fleet, Pittsburgh History and Landmarks Foundation, Port Authority of Allegheny County, and the city of Pittsburgh—all of which still participate in planning the annual event.

In the past 10 years, the Three Rivers Regatta has become a Pittsburgh tradition. Pittsburgh's water festival activity actually dates back to 1949, when Jones & Laughlin Steel Corp. raced its steamboat *William Armous Jones* against United States Steel Corp.'s vessel *The Homestead* on the water surrounding what is now Point State Park. Since that steamboat race 38 years ago, water activities and festivals have occurred along the Monongahela, Allegheny, and Ohio Rivers.

The Three Rivers Regatta became the Nation's first international water festival in 1982 when the city of Pittsburgh and the regatta hosted the Champion Spark Plug Grand Prix, the first Formula One powerboat race in America. This premiere U.S. event served as the prototype for successful nationwide tours the past 4 years.

The regatta includes a variety of colorful events:

The Great Mid-American Sternwheel Race—a nostalgic, authentic sternwheel boat competition that features a variety of paddle boats racing 12 to 13 miles per hour on Pittsburgh's rivers.

The Anything That Floats Race—costumed crews of 10 to 20 participants design, construct, and power original crafts on Pittsburgh's rivers. Sometimes termed "the most bizarre event in The Three Rivers Regatta," Anything That Floats has featured such entries as "Swan River Ballet" with grown men in tutus and "Here's to the Lady," a patriotic entry that featured a 7-foot-tall statue of Lady Liberty next to a New York skyline.

The Great American High Dive Team—some of the Nation's leading professional high dive champions provide entertaining feats while plunging into the Allegheny River.

A Spine-Tingling Air Show—a unique event that features a wing walker, stunt aerobatics and the U.S. Army's Golden Knight's sports parachute team.

Other events include St. Brendan's International Cup Race featuring rowing teams from Boston, New York, Annapolis, and Washington, DC; celebrity aqua bike races; a water ski show; a lighted boat parade and grand decorated boat parade; and a spectacular hot air balloon race. National and local corporate sponsors make these events possible and media partners add excitement and provide publicity.

The Pittsburgh Three Rivers Regatta continues to enhance the city's regional and national image by focusing on the gift the rivers present to Pittsburgh and by educating residents and visitors about the importance of Pittsburgh's rivers to the local economy, recreation, and industry in America's most livable city.

Since 1984, the Three Rivers Regatta has been a member of the International Festival Association, an organization of the finest festivals from around the world.

Mr. President, I hope that all interested Americans will take the opportunity this year or in the future—to visit and take advantage of the unique recreational and cultural opportunity presented by the Three Rivers Regatta.●

THE ENSLEY FELLOWSHIP IN ECONOMIC POLICY

● Mr. ADAMS. Mr. President, more years ago than I care to recall, I graduated from the University of Washington with a degree in economics. While I supplemented that training with a legal education, I have always believed that economics gave me a good deal of the background I needed to go on and make a career of public service. Well, I have recently heard about another University of Washington economics graduate who has made a contribution to the public welfare while staying true to that most dismal of sciences and most demanding of academic disciplines.

Grover Ensley, who did his undergraduate work in economics at the University of Washington, served in the Bureau of the Budget under Presidents Roosevelt and Truman and then came to Capitol Hill in 1949 to become the executive director of the Joint Economic Committee until 1949. After leaving the committee, Dr. Ensley held a number of positions including the presidency of both the National Association of Mutual Savings Banks and the International Savings Bank Institute. In keeping with his training and his commitment to service, Dr. Ensley has now decided to create an endowed fellowship in economics at the University of Washington.

That decision will, I believe, add luster to an already distinguished academic department; it will also be in keeping with Dr. Ensley's interest in both the field of economics and the future of our economy. I applaud his decision and congratulate both Dr. Ensley and the University of Washington on the occasion of the creation of the Ensley Fellowship in Economic Policy.●

GEOGRAPHY AWARENESS WEEK

● Mr. MOYNIHAN. Mr. President, the distinguished senior Senator from New Jersey has been widely recognized for his scholarship and expertise on so many subjects. In an April 21, 1987, op-ed article in the Washington Post, the columnist James J. Kilpatrick cites the characteristically insightful thinking of the Senator from New Jersey with respect to education. Specifically, his emphasis on the importance of geography in our Nation's schools. Simply put: our children must know both from whence they came and where they go—geography teaches them this. If they are to lead this Nation into the 21st century, they must be aware of the world in which they live. Thanks to our distinguished colleague from New Jersey, they will.

Mr. President, I commend this article to the attention of the Senate, and ask that it be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 21, 1987]

LOST IN GEOGRAPHY

[By James J. Kilpatrick]

Let us hear it for Bill Bradley, the senior Senator from New Jersey! The hooray is not for his prospective candidacy for the White House, though the Democrats couldn't do much better. Neither is this a cheer for his uncommon good sense in matters of taxation. Let's hear it for Bradley's resolution to declare "Geography Awareness Week."

That's right. The long, tall gentleman from Denville wants to set aside the week of Nov. 15-21 to direct national attention toward the revival of a subject that has all but disappeared from most of our public schools. He came to the floor of the Senate on March 17 loaded with depressing news.

He cited, by way of example, a survey taken in January of 5,000 high school seniors in eight major cities. Brace yourself. Twenty-five percent of the students tested in Dallas could not identify the country that borders the United States on the south. In Boston, 39 percent of the students could not name the six New England states.

Brace yourself again. In Baltimore, 45 percent of those tested could not respond correctly to this instruction: "On the attached map, shade in the area where the United States is located." Nearly half of the students in Hartford could not name even three countries in Africa. Forty percent of those in Kansas City could not name three countries in South America.

Bradley had another survey, this one taken by the University of North Carolina in 1984. This was a survey not of high school seniors, but of college students. Fewer than half of them, when asked to identify the two largest states, could name Texas and Alaska. Almost 80 percent couldn't think of the two smallest states.

The senator had even gloomier tidings to report. He cited two surveys by The New York Times, one taken in 1950, the other in 1984. Thirty-seven years ago, 84 percent of the college students knew that Manila was the capital of the Philippines. In 1984, only 27 percent responded correctly. Almost 70 percent of these students could not name even one country in Africa between the Sahara and South Africa. The situation grows worse, not better.

Said Bradley: "This news is not only shocking; it is frightening. We depend on a well-informed populace to maintain the democratic ideals which have made our country great. When 95 percent of some of our brightest college students cannot locate

Vietnam on a world map, we must sound the alarm. We cannot expect to be a world leader if our populace doesn't even know who the rest of the world is!"

Amen to all that, and again, amen. Fifty or 60 years ago, when some of us were plowing through the public schools, we got great chunks of geography. We had whole books on the subject—fascinating books, filled with pictures of exotic lands. We learned about the Tigris and the Euphrates, about rice in China and coffee in Brazil and windmills in the Netherlands. We colored maps. For some reason, France was always blue. The first time I flew to Paris, and looked out the window, I confidently expected to see an azure landscape down below. It was mostly green, which was the color for Peru.

As I recall, we concentrated at one point on North America. This must have been about the fifth grade. The textbook offered Mexicans in serapes and sombreros, Eskimos in fur hats beside improbable igloos. We had to memorize the state capitals, and some of these were tough. Remembering the capitals of Washington, Kentucky and North Dakota wasn't easy.

Geography was a wonderful subject! I don't know that we ever got deeply into economic geography, but we learned a good deal about people and places. Some of it was trivial: name a mountainous country famed for yodeling. Some of it made an impact: Why is the Mississippi muddy, and what does this tell us of soil erosion?

Bradley is right when he warns that the decline of geography in our schools will have serious consequences in years to come. The globe dwindles. The planet shrinks. I was 6 years old when Lindbergh flew to France. It seemed an unbelievable adventure. Now the unbelievable becomes routine. Satellites and supersonic planes have turned strangers into neighbors. Our children and grandchildren ought to get to know them better.

Bradley's awareness week may get no more attention than most of the special weeks beloved of Congress, but if his resolution prompts even a few states into restoring geography to its old eminence, the effort will be worthwhile. What are the principal crops of Mexico? If our kids don't know, they ought to find out.●

BIG CYPRESS NATIONAL PRESERVE

● Mr. JOHNSTON. Mr. President, on Tuesday, April 21, 1987, the Committee on Energy and Natural Resources filed the report to accompany S. 90, a bill to add lands to the Big Cypress National Preserve in Florida (S. Rept. 100-45).

At the time the report was filed, the Congressional Budget Office had not submitted its budget estimate regarding this measure. The committee has since received this communication from the Congressional Budget Office, and I ask that it be printed in the RECORD.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 1987.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 90, the Big Cypress National Preserve Addition Act of 1987.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: S. 90.

2. Bill title: Big Cypress National Preserve Addition Act of 1987.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, April 8, 1987.

4. Bill purpose: S. 90 would establish the Big Cypress National Preserve Addition, comprising approximately 136,000 acres adjacent to the preserve's current boundaries in the State of Florida. The bill would direct the Secretary of the Interior to acquire and develop the Addition and would authorize the appropriation of such sums as may be necessary for this purpose.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991	1992
Land acquisition expenses: [1]						
Estimated authorization level	44.4	0.0	0.0	0.0	0.0	0.0
Estimated outlays	.0	10.4	12.7	13.9	5.4	2.0
Related technical and administrative expenses: [2]						
Estimated authorization level	1.3	2.0	1.4	1.1	.7	.7
Estimated outlays	1.3	2.0	1.4	1.1	.7	.7
Payments in lieu of taxes:						
Estimated authorization level			.2	.5	.8	.9
Estimated outlays			.2	.5	.8	.9
Total estimated Federal cost:						
Estimated authorization level	45.7	2.0	1.6	1.6	1.5	1.6
Estimated outlays	1.3	12.4	14.3	15.5	6.9	3.6

[1] Includes 80 percent of total estimated purchase price of land and related relocation expenses—net of severance damages, based on the assumption that funds for these costs will be appropriated in full during fiscal year 1987 and expended within 5 years of enactment.

[2] Includes estimated annual expenses to administer the addition beginning in 1989. These costs are estimated to be under $0.1 million in the first year, rising to about $0.5 million a year by 1992.

The costs of this bill fall within budget function 300 and 850.

Basis of estimate: For purposes of this estimate, CBO has assumed that S. 90 will be enacted and initial appropriations provided by July 1, 1987 and that the full sums estimated to be required will be appropriated in each fiscal year as shown in the above table. Funding levels for land acquisition and related expenses have been estimated on the basis of information obtained from the National Park Service (NPS), the U.S. Fish and Wildlife Service (USFWS) and the State of Florida, adjusted to reflect CBO's technical assumptions and a July 1, 1987 enactment date.

Section 5 would limit federal expenditures for land acquisition under the bill to 80 percent of total acquisition costs. This section defines "total costs" to mean total acquisition costs for the project (which CBO assumes to include any relocation expenses required under Public Law 91-646) less any costs incurred by the U.S. and Florida departments of transportation for severance damages resulting from the construction of Interstate 75. CBO estimates total acquisition costs under this definition to be about $54 million, of which $43 million would be borne by the Department of the Interior. Resulting federal outlays would be incurred during fiscal years 1988 through 1992.

In addition, annual federal appropriations would be required to cover technical and administrative expenses relating to the acquisition, including appraisal services, mapping, and in-house oversight. These expenses are expected to add about $6 million to total costs over the five-year period.

Finally, enactment of S. 90 would result in an additional appropriation requirement for federal payments in lieu of taxes (PILT) made under Public Law 94-565. Outlays for PILT payments are dependent on the rate of federal land acquisition and on annual appropriations actions, which are often not sufficient to cover the entire obligation. CBO estimates that full funding of the PILT requirement would result in an increase in outlays of up to $0.2 million in fiscal year 1989, rising to up to $1 million by 1993 and then falling until they reach $0.1 million a year. For purposes of this estimate, it has been assumed that payments would be made on the 133,600 acres transferred from private ownership and would not be constrained by limitations on PILT payments associated with county population size. If population estimates are factored in, estimated PILT outlays would be likely to fall; however, at this time, CBO does not have sufficient information to make such a calculation.

No costs for development of recreational access or facilities have been included above. These costs, which are expected to be minimal, would most likely be borne by the state. Similarly, additional administrative costs for the report required under Section 6 of the bill are not expected to be significant.

Possible savings in total acquisition costs that might be achieved through a pending land exchange with a large private landowner have not been incorporated in this estimate. While S. 90 would specifically permit both intra- and interstate land exchanges as methods of acquisition, any interstate exchange such as the one currently under negotiation would require Congressional approval under separate legislation and is thus beyond the scope of this estimate. However, if the exchange is approved, federal costs for land acquisition within the Addition's boundaries could be largely eliminated. The project's "total cost" (i.e., total value of donated or exchanged land plus cash purchases less damages) would still be about $54 million. However, federal outlays would be limited to the cash purchase of small parcels located west of the Preserve and to reimbursements to the state for its donations. This assumes that Florida would purchase the remaining private acreage north of the Preserve and would donate that land and about 2,400 acres it already owns to the Department of the Interior. The federal government would then reimburse Florida for 80 percent of the value of its donation, less 20 percent of the value of federally acquired lands. An equalization payment that would be received as part of the land exchange agreement would more than offset the re-

sulting $4 million in federal outlays. Thus, if this land in exchange were to be consummated, the federal government would have net receipts from the land acquisition process of $46 million.

6. Estimated cost to State and local governments: Under the provisions of Section 5, the State of Florida would incur 20 percent of total net acquisition costs, or about $11 million. Because Florida's share requirement may be met through donations of state-owned land, its cash outlays may be lower. Annual outlays for related technical expenses or for the development of recreational or subsurface access are not expected to add significantly to the state's budget.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deb Reis.

10. Estimate approved by: C.G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis.)●

RICHARD HOPPER

● Mr. HECHT. Mr. President, I wish to take this opportunity to bring to the attention of my colleagues the excellent work of a Nevadan who works for the Environmental Protection Agency. Indeed, I take great pride in recognizing EPA radiation specialist Richard Hopper for his unsurpassed dedication in his work in Eastern Europe following the nuclear reactor accident in the Soviet Union last year. I feel Richard's efforts and devotion to duty reflect great credit upon himself, EPA, and our Nation.

Richard's knowledge of radiation stems from many years of firsthand experience at the EPA Las Vegas Laboratories and Nevada test site in southern Nevada. His career began in 1967, when, at 23 years old, Richard accepted an assignment as a radiation monitorist with the Public Health Service, a division of the former Department of Health, Education, and Welfare. His duties at that time were similar to those he performs today: to monitor radioactivity and radiation levels and study the associated environmental impacts. After 4 years with the Public Health Service, and a short period in the private sector, Richard joined the newly-established EPA radiation team in 1973, where he has since worked in various radiation related fields.

In 1979, 4 years after joining EPA, Richard was called to Three Mile Island in Pennsylvania following the partial meltdown of the nuclear reactor. As part of EPA's informal emergency response team, he assisted in the long-term recovery program and the monitoring of radon levels to determine when the area would again be safe for human occupancy and normal operations.

Although the experience at Three Mile Island was eventful for Hopper, it proved to be a mere preparation for what was to come seven years later in Eastern Europe. The terrible news of the nuclear accident at Chernobyl was accompanied by many cries of concern from Americans living in the countries affected by the explosion's radioactive fallout. U.S. diplomatic missions in Poland, Hungary, and Bulgaria wanted U.S. experts to determine whether evacuation of U.S. women and children in those countries was necessary. Accordingly, the State Department responded to their pleas by asking Richard Hopper, EPA's radiation expert, to do the job.

So, with little hesitation, Richard caught the red-eye flight to Washington for an official briefing before heading abroad. And, on May 3, 1986, Richard arrived in Warsaw and began demonstrating that he is not only an expert in radiation analysis, but also that he possesses a gift of selfless concern for all people. His working days stretched easily to 18 hours in length as he provided personal attention to pregnant women and other concerned individuals. Additionally, before Richard left Poland, he briefed consular staffs and families in Kracow and Poznan, visited with students and staffs at the schools attended by United States and British Embassy children, and set up a monitoring system at the Embassy which he then trained the staff to use and maintain after his departure.

I think the U.S. Ambassador to Poland best described Richard Hopper's performance when he wrote to the Secretary of State saying, "His superb technical competence was perhaps expected, but he proved to be equally well qualified and adept at dealing with press inquiries, explaining his findings, reassuring worried mission members, and maintaining an invariably cooperative and cheerful attitude through long and very intensive workdays. He . . . earned our unanimous admiration and respect." Secretary of State Shultz later wrote that Richard "worked with tireless effort and engaging good humor, visiting many posts in a short time. Both he and his support group in Las Vegas deserve special commendation."

Mr. President, Richard Hopper has now returned to his normal functions at the Environmental Protection Agency, which he carries out in an exemplary fashion. I would like to thank him for his fine services to Nevada, our Nation, and the world. I feel quite privileged to have the opportunity to acknowledge Richard's work. I am proud to count him as a Nevadan, and I would like to close by wishing him and his wife, Jacki, the best of luck in the future.

60TH ANNIVERSARY OF THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

● Mr. SARBANES. Mr. President, on April 26, 1987, the Maryland-National Capital Park Planning Commission [MNCPPC] will celebrate its 60th anniversary. The Maryland General Assembly created the commission in 1927 and empowered it to acquire, develop, maintain, and administer a regional system of parks in Prince Georges and Montgomery Counties. Over the next 60 years MNCPPC played an instrumental role in meeting the needs of residents in Prince Georges and Montgomery Counties for parks and recreational facilities.

The Maryland General Assembly also presented the commission with the charge of preparing and administering a general plan for the physical development of a regional district. This was a significant responsibility given the growth that was to take place over the next decades in the Maryland counties adjacent to our Nation's Capital.

The commission—a bicounty agency—administers an extensive park system of over 42,700 acres that is used by the 1.3 million people who reside in Montgomery and Prince Georges Counties. They, the users, can attest to the outstanding park system that ranges from the small neighborhood park to the regional park consisting of thousands of acres offering a wide variety of recreational activities.

The Maryland-National Capital Park and Planning Commission has made significant contributions to the State of Maryland in the fields of planning, parks, and recreation. It also has been nationally recognized for its achievements. Three times—in 1973, 1977, and 1984—MNCPPC was awarded the prestigious National Gold Medal Award for "excellence in park and recreation management" from the National Sports Foundation. In 1983 the foundation also recognized the Maryland-National Capital Park and Planning Commission by honoring it with the Special Recreation Gold Medal Award. This award was in special recognition of the Prince Georges Department of Parks and Recreation, Special Populations Division, for "outstanding community achievement for physically and mentally handicapped citizens." The American Planning Association has also cited the commission for its outstanding planning achievements.

The work of the Maryland-National Capital Park and Planning Commission over the last 60 years is something of which to be proud. These achievements are especially important to the citizens who live in Prince Georges and Montgomery Counties and who have enjoyed the park system with their families and friends over the years. I am certain that they join us in celebrating the 60th anniversary of the commission.●

MILWAUKEE BREWERS WINNING STREAK

● Mr. KASTEN. Mr. President, I rise today to pay tribute to the Milwaukee Brewers who Monday broke the American League record with 13 consecutive wins at the beginning of the baseball season.

With relative youngsters like Rob Deer and Dale Sveum and the always dependable Robin Yount and Paul Molitor, the Brewers are leading the league in hitting. The young pitching staff no one thought would produce this quickly is already fifth in the American League, and has a no hitter to its credit.

More than statistics, however, you have to admire their spirit. Last Sunday afternoon, for example, with the temperatures creeping into the 80's the Brewers proved they could withstand the heat when they were down 4 to 1 to the Texas Rangers in the bottom of the ninth. Our team pulled off a miracle with two homers and won 6 to 4. After the game, Brewer Manager Tom Trebelhorn commented that the Milwaukee fans "really got our adrenaline flowing. We were down three runs and hadn't hit yet, but they were ready. They got us pumped up."

The fans are supportive, and like the team, they come through in the clutch. Whether they win or lose, Wisconsin sports fans always support their teams. And even after last night's 7 to 1 loss against the Chicago White Sox, Milwaukee fans who made the trip to Chicago for the game paid tribute to their team with a 15-minute standing ovation. The State of Wisconsin has shown the rest of the United States that it has more to offer than dairy products, quality paper, manufactured goods and a first-rate education system.

There is much to be proud of in Wisconsin.

The Green Bay Packers and the Milwaukee Bucks demonstrated Wisconsin's winning ways in the sixties and seventies, and now the Brewers are continuing that tradition. They have carried that championship fever all the way to the front pages of newspapers, and top stories of radio and television stations around the country.

All of this brings back memories of old Brewer greats like Tommy Harper, Kenny Sanders, George Scott, and Larry Hisle.

In years past the Brewers have been referred to as "Harvey's Wallbangers," and "Bambi's Bombers." Now they are talking about "Trebelhorn's Troops." All in all, I am one person who is very proud of the "True Blue Brew Crew."

Mr. President, I ask that the following articles be printed in the RECORD; an April 21 article from USA Today and an April 22 article from the Washington Post.

The articles follow:

[From USA Today, Apr. 21, 1987]

BREWERS MIXING ALL THE RIGHT INGREDIENTS

(By Mel Antonen)

On opening day, veterans hobbled. Rookies were everywhere. Six other players had fewer than two years experience, and Milwaukee was expected to continue its trend of sixth-place finishes.

Through the first two weeks, the upstart Brewers are on a historic rampage, tying a major league record with 13 consecutive victories.

The Brewers were picked by many to finish last in the American League East.

"We have to become positive about our team and our chances of staying in the race," veteran third baseman Paul Molitor said.

The engineer of the Brewers' streak is rookie manager Tom Trebelhorn, a social science major and math minor who is a substitute high school teacher in the offseason.

Trebelhorn replaced the retiring George Bamberger with four games left in the 1986 season. The Brewers won their last three games.

The Brewers are young, but have a mix of veterans—Molitor, Cecil Cooper, Jim Gantner and Robin Yount—who played with the team when it won the American League championship in 1982.

"We've done what we've had to and made few mistakes," Yount said. "That's what you need to put a streak together.

"We just want to keep riding the wave."

Whether it's math or manufacturing runs, Trebelhorn loves to teach. On the field, he stresses fundamentals. His lesson plan: Execute, stay loose and have fun.

The lessons are sinking in.

The Brewers stole five bases in a game against Texas. Seven players are hitting .320 or better. Left-handed pitcher Teddy Higuera is 3-0 and reliever Dan Plasec has five saves.

Want more heroes? The Brewers take turns in the spotlight:

Pitcher Juan Nieves, 22, pitched the first no-hitter in Brewers history when he beat the Baltimore Orioles 7-0.

Outfielder Rob Deer, who was acquired by the Brewers from San Francisco in December 1985, is hitting .391 with seven home runs and 17 RBI.

He hit two home runs Sunday, including a three-run shot in the last of the ninth inning that tied the Rangers 4-4. His home run Saturday was the difference in a 4-3 victory against Texas.

Shortstop Dale Sveum hit the game-winning home run against Texas Sunday. He had a hit in each of the first 10 games and his average is .383. After making 30 errors at third base last season, he has none this season.

Yount is hitting .333 with 11 RBI. His two-out diving catch in center field sealed Nieves' no-hitter.

Rookie B.J. Surhoff and Bill Schroeder are the catchers. Surhoff's first major league home run gave the Brewers a 12-inning, 12-11 victory against Boston in the third game. Schroeder is hitting .360.

First baseman Greg Brock's heads-up defense against Boston was typical of the Brewers.

With Marc Sullivan on first, Brock let Spike Owen's popped up bunt drop. He picked up the ball and turned it into a doubleplay in the Brewer's first win.

Billy Jo Robidoux hit a seventh-inning single to drive home Glenn Braggs with the game-winning run in the second win against Boston.

Brewers fans have chanted "162-0," but the fast start doesn't automatically translate into a pennant.

Out of the 13 teams that have started the season with at least eight consecutive victories, only six went on to win the division or pennant.

Only two, the 1955 Brooklyn Dodgers and 1984 Detroit Tigers, won the World Series.

Trebelhorn takes it all in stride: "I'm just sitting back and letting them play and having fun watching like everyone else."

Club President Bud Selig gives general manager Harry Dalton credit for building the Brewers.

"Harry stayed with it after some tough years after 1982," Selig said. "I don't know what's going to happen the rest of the year, but he's done an outstanding job."

In the last three seasons, the Brewers have finished seventh, sixth and sixth. They are a long way from the AL East title. But they are a long way from the basement, too.

[From the Washington Post, Apr. 22, 1987]

TREBELHORN'S TROOP COMMANDS ATTENTION

(By Richard Justice)

CHICAGO.—Tom Trebelhorn, the rookie manager of the Milwaukee Brewers, is standing in the middle of two dozen reporters, who have now asked about his team, his philosophies, his divorce, his children, his hit-and-run signal and his superstitions (he doesn't have any, incidentially).

In a scene that would have made Andy Warhol proud, 39-year-old Tom Trebelhorn, and unassuming substitute teacher from Portland, Ore., has become a very famous man in a very short period of time, one of the more intriguing and engaging stories on a very intriguing and engaging baseball team.

The Milwaukee Brewers and their 13-0 start before their first slip have made a country curious and a city fanatical. Ask George Webb, the Milwaukee fast-food man who's giving away 150,000 burgers in a Wednesday tribute to the Brewers.

Ask any of the 30,000 fans who stood in line outside County Stadium to buy tickets last Thursday and Friday. Ask the Brewers, who boarded a bus near their stadium on Monday morning and watched in amazement as hundreds of fans stood in line to buy tickets for this weekend's series with the Baltimore Orioles.

Ask Trebelhorn, who held an optional early round of hitting Sunday morning and was amazed when every player showed up. When they finished, they went inside their clubhouse and had an Easter egg hunt, then went back out and eventually rallied for five ninth-inning runs to win No. 12.

"You sit here and can't believe it's happening," said first baseman Greg Brock, a shy man who suffered through four sometimes painful seasons in Los Angeles as The Guy Who Replaced Steve Garvey on the Dodgers. "You come out of spring training, and you're feeling positive, but this . . . It just seems to keep building."

Or ask Bud Selig, the hyper owner of the Brewers, who says he keeps walking around asking himself, "Is this real? I keep pinching myself, and I can't feel it. I'm not sure this is happening."

The Brewers believe it is. Their pitching staff averages 25 years of age per man, and five of them have been clocked at 90 mph or better. What's more, they have first- or second-year players at catcher (B.J. Sur-

hoff), shortstop (Dale Sveum) and right field (Glenn Braggs) and still haven't depleted a farm system that appears to be one of the game's five best.

"One thing about our young players is that losing is strange to them," said center fielder Robin Yount, who at 31, with 13 years in the major leagues, is one of the old men of the Brewers. "They came from winning minor league teams, and they expect to win. That kind of thing is contagious."

Who are these guys who've taken the summer game by storm, averaging seven runs a night, hitting .330 with men on base and coming from behind seven times in those 13 games?

They are Yount and Paul Molitor, the veteran millionaires and "the heart of this team," Trebelhorn said. "They play like kids, and that's very important for kids to see."

They are baby-faced left-hander Dan Plesac, a 1983 first-round pick who failed as a starting pitcher after he was unable to develop an off-speed pitch to go with his devastating fastball and slider.

The Brewers, desperate for a reliever to replace Rollie Fingers, moved Plesac to the bullpen, and last season at the age of 24, he became one of the best in the league (saving 14 games and stranding 76 percent of his inherited base runners). This year, he leads the majors with five saves in seven appearances.

They are Sveum, who made 30 errors in 91 games, mostly at third base, last season. With Molitor coming back from an injured elbow, Sveum was supposed to be a utility infielder in 1987. Then starting shortstop Ernest Riles and backup Eddie Diaz both got hurt, and the job became Sveum's.

Not only has he been a Cadillac defensive player, he hit .383 during the streak, and incredibly, .500 with men on base.

They are reliever Chuck Crim, who was brought to the major league camp this spring when 20-game winner Ted Higuera held out and John Henry Johnson got hurt. He not only earned a spot on the team, he has become an important part of the Brewers, helping bridge the middle innings between the young starters and Plesac. A sinkerball specialist, Crim has a 0.66 ERA in five appearances.

And they are 26-year-old outfielder Rob Deer, who spent eight seasons in the San Francisco Giants' system before being traded to the Brewers for two minor-leaguers in late 1985.

Given a chance to play for a team that didn't want to raise his average and shorten his stroke, Deer combined a .232 batting average and 179 strikeouts with 33 homers and 86 runs battled in last season.

This year, he has been phenomenal, hitting .400 with seven homers and 17 RBI.

GOOD SCOUTS

None of this is to say things fell together for the Brewers in one miraculous spring. The hardest thing to judge about baseball is who is doing what in the areas of scouting and player development, and about a year ago, it became clear that no one had done a better job than the Brewers.

As it turned out, even when their major league team was winning big in the early 1980s. Milwaukee scouts were driving more miles and seeing more players more often than anyone else. The 1981-83 drafts—when the Brewers weren't picking especially high—brought starters Bill Wegman, Mike Birkbeck and Mark Ciardi, relievers Plesac and Crim, designated hitter Billy Jo Robidoux, infielders Sveum and Riles and right fielder Braggs.

Baseball people who haven't drafted as well say the Brewers picked wisely because they were always picking high, but that was only the case with Yount, Molitor and catcher B.J. Surhoff, the first pick of the 1985 draft.

"We were on no particular timetable," said Brewers General Manager Harry Dalton, who has held similar positions with the Orioles in the 1960s and the California Angels in the 1970s. "Anyone who tells you they have a real specific blueprint is fooling themselves."

THE MANAGER

Of Trebelhorn, we now know that he does not drink, chew or curse, that he's addicted only to his daily runs and an occasional Tab. We know that each night before he leaves the clubhouse, he posts the next day's lineup, so that if a player needs extra time to think about a certain pitcher, he'll have it.

We know that he began spring training by telling the Brewers something about having a businesslike approach to the game. There would be no clubhouse card games. There would be coats and ties worn on all trips. There would be limited time in the training room.

We know that he communicates with his players. When the Brewers traded for Brock last winter, Trebelhorn's first phone call was to Cecil Cooper, the man Brock was to replace, Cooper says Trebelhorn phoned to say: I don't want you guessing about your role. You're not being phased out, so come to spring training ready to be the designated hitter.

"I appreciated that," Cooper said.

Trebelhorn said he was just a guy trying to do a job the best way he knows how.

"I can only do what I think is right," he said. "Sparky Anderson told me to be yourself and do what you think is right, and that's the best advice I've gotten."

After managing Vancouver to the Pacific Coast League championship in 1985, Trebelhorn asked to be moved to Helena, Mont., in the rookie league, although it might have been easier to get from Vancouver to Portland, where his three sons and ex-wife lived.

Dalton agreed, then in 1986 when an explosion ripped through the Brewers' spring clubhouse in Arizona, seriously burning third base coach Tony Muser, Dalton offered the job to Trebelhorn. And when manager George Bamberger retired in September, Trebelhorn got another promotion.

Dalton said he hired a man of "character, intelligence and patience. We had resisted rushing a lot of our kids to the majors, but we knew it was time for some of them. Tom had already managed most of them at Vancouver."

Didn't he worry about hiring a man without experience?

"Not really," he said. "I've hired about a dozen managers, and I'd say half of them had no big league experience."

It was Dalton who first hired Earl Weaver, Bamberger, Buck Rodgers and Harvey Kuenn. Of Trebelhorn, he said, "This spring, he ran the most organized camp I've ever seen, and remember Earl Weaver ran a pretty good one."

STRONG LEFT ARMS

Higuera and Juan Nieves are the final two pieces of the puzzle. In the case of Higuera, a Fernando Valenzuela look-alike—and name-alike, whose full name is Teodoro Higuera Valenzuela—who is 35-19 after two seasons, the Brewers, like the Dodgers went the extra step. They had a tip about a young left-hander, and instead of dismissing the rumor, sent a scout to Mexico to see him.

With Nieves, the deal is more complicated. A Puerto Rican, he was an undrafted free agent and was being sought by the Brewers, Toronto Blue Jays and New York Yankees. Most baseball people agree the Yankees offered more money, but the Brewers did a college-style recruiting job. Dalton says, "We also outlined everything we had in mind for his career. I think he was impressed by that, and by the fact we'd been talking to him longer."

The rest was a matter of a few trades. The Deer deal was made "because we needed home runs," and it turned out to be one of the most lopsided ever made. The Brock trade was made because they needed a left-handed bat, and even though the price was highly regarded pitcher Tim Leary, "We felt we had some kids who could take his place," Dalton said.

And veterans such as Cooper, Yount, Molitor and second baseman Jim Gantner bridge the 1982 American League championship team with the gaps of 1987.

"This is a miracle and a great American drama," Dalton said. "But it didn't just all happen by accident. We worked hard and did a lot of planning for this."

Still, no one could expect this kind of start. No one could expect so many hits to fall at the right time or the Brewers to hit 21 homers in 13 games or get game-winning RBI from seven different players. If the Brewers thought their young pitching might be decent, they certainly didn't expect relievers Plesac, Chris Bosio and Crim to have a combined 1.16 ERA on the morning of April 21.

And then again . . .

"People say we've been lucky," Trebelhorn said, "and in a way that's true. But going into the hole and starting a double play is not luck. We're going to have a bad streak, but we're going to keep showing up. Who knows how we'll react? But I've seen enough of these guys to believe it won't be a problem."●

MOTHER'S PEACE DAY

● Mr. LEVIN. Mr. President, on May 7, Women's Action for Nuclear Disarmament [WAND], Metropolitan Detroit Chapter, will celebrate Mother's Peace Day. There will be several events during the day, culminating in a special evening presentation at which time Lillian Genser, director of the Center for Peace and Conflict Studies, will receive WAND's first annual Mother's Peace Day award.

It is no coincidence that WAND is observing this day so close to Mother's Day. Although many women made an effort to establish a regular observance in honor of mothers, it was not until 1915 that a national day was proclaimed. However, as early as 1870, Julia Ward Howe of Boston called for an international meeting of women to consider their roles in ending wars. She became the first president of the American Branch of the Women's International Peace Association and a day was chosen for a "festival, a day

which would be called Mother's Day, and be devoted to the advocacy of peace doctrines—a time for women and children to come together; to meet in the country, invite the public, and recite, speak, sing and pray for those things that make for peace."

Women working for peace is a year-round effort. I commend WAND for its ongoing work in this effort and for its recognition of Lillian Genser as an outstanding advocate for peace.●

AFGHANISTAN: LETTERS FROM THE STATE OF ILLINOIS

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its 8th year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the congressional task force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Illinois and ask that they be printed in the RECORD.

The letters follow:

WEST FRANKFORT, IL.

DEAR SENATOR HUMPHREY. I recently read of the advance knowledge our country had—when Germany, under Hitler's dictatorship, persecuted the Jewish peoples—and we chose to take no action to save even the allowable immigrants.

Please Senator, I was a very young man when the above took place but after gaining the present insight about what is happening in Afghanistan I can no longer claim the innocence of youth.

Whatever happens good or evil on this planet is the collective responsibility of us all. If we continue to place our heads in the sands of time to hide from reality, how can we walk upright in the light of the relative freedom we know as Americans?

We all say, "Never again", but we allow abortions daily, human beings are starving in Africa, more than a million died in Cambodia, and human beings are being slaughtered in Afghanistan—Now.

Sir, please do what you can to get our heads out of the sand and into the light of compassion, dignity, and respect for the lives of our fellow planeteers.

Respectfully,

LARRY W. OGDEN.

SANDWICH, IL.

MY DEAR SENATOR HUMPHREY: I recently read an article in the Reader's Digest about the atrocities being done to the people in Afghanistan by the Russians. By our keeping silent about it, we are also condoning these acts. I urge you to do everything you can to bring to the American public and your colleagues what is happening there and to let the Russians know we don't like what they are doing. I think we should put whatever pressure we can on the Russians to stop.

Thank you for your assistance.

Sincerely,

DORIS MILLER.●

GUARANTEED JOB OPPORTUNITY ACT

● Mr. SIMON. Mr. President, recently, we held our first hearing outside of Washington on S. 777, my proposal to guarantee a job opportunity to all Americans.

The first hearing we held was in Rock Island, IL. It was interesting to note the support that we got from business, labor, and citizens, generally.

There is an assumption, on the part of some people, that business will automatically be opposing the jobs program.

My belief is, if we explain it properly, we can secure the support of business. The statements by the representatives of Deere & Co. and the Quad Cities Chamber of Commerce are an illustration of that.

Their statements are both excellent, and I ask to insert them in the RECORD at this point.

The statements follow:

ILLINOIS QUAD CITY CHAMBER OF COMMERCE,
Moline, IL, March 27, 1987.

Hon. PAUL SIMON,
U.S. Senator, Chairman, Subcommittee on Employment and Productivity.

DEAR SENATOR SIMON: On behalf of the Illinois Quad City Chamber of Commerce, I wish to express appreciation in the opportunity to present a statement regarding S. 777, the Guaranteed Job Opportunity Act, which you have recently introduced in the Senate.

As you are aware, the Illinois Quad City Chamber of Commerce is an organization consisting of business representatives, professionals, and interested community citizens. Naturally, our organization is interested in programs promoting the economic health and well-being of our community.

With respect to S. 777, we concur with your view that it is more beneficial to promote individual dignity and worth by developing a program whereby one receives compensation for a positive contribution through meaningful employment, rather than doing nothing or starving.

It is our hope that as S. 777 continues on its legislative journey, you and your fellow Senators and Congressmen strongly resist any attempts to convert this proposal into a "make work program".

When one contemplates the condition of this nation's needs, in both the private and public sectors, a well constructed and administered program of providing meaningful employment opportunities for the thousands who are currently unemployed, because they may lack required skills, cannot help but be beneficial in the long run.

While there will be undoubtedly those who will view S. 777 as just another "liberal, do-good idea", if one seriously considers the existing expenditures in welfare, unemployment compensation, and numerous other existing federal and state programs, the common sense approach taken in S. 777 cannot be argued with.

You are to be commended, Senator, for your initiative and leadership in proposing this legislation at a most critical point in our country's history.

In the months to come, we will be watching the reaction and progress this legislation generates with your colleagues in Congress. As it approaches final form, we will offer more specific comments to help strengthen the final bill.

Thank you for this opportunity to appear before you this morning and present our views on this most timely issue.

Sincerely,

ERIC F. SCHWARZ,
President.

GUARANTEED JOB OPPORTUNITY ACT

Thank you, Senator Simon, it is a pleasure to see you again and we at Deere & Company add our welcome to you and your staff to the Quad Cities. I am Robert Anderson, Manager of Public Policy Planning at Deere & Company. Deere is the world's largest manufacturer and marketer of agricultural equipment, and also produces and sells a full time of industrial equipment and grounds care equipment. In the past few years we have also been establishing new lines of business to supplement our traditional manufacturing enterprise including credit and insurance services, health maintenance organization management, rotary engine research, and government sales. Our world headquarters are located here in Moline, Illinois.

As we all know, the continuing five year economic recovery in this country has not been universally felt. This is particularly true here in our community. The Quad Cities have been severely affected by the downturn in the farm economy and the resulting loss of jobs in the farm equipment industry and other related agri-business operations. In addition, severe pressure from world-wide competition in the construction equipment industry in general has caused further economic problems here.

With these circumstances as background, we are pleased to commend Senator Simon for his sincere and thoughtful efforts to find ways for others to help people help themselves. There is work here to be done and there are people willing to work. The proposed "Guaranteed Job Opportunity Act" is designed to match the people with the work. Though I understand S. 777 is not intended to be a permanent employment proposal, it should help people earn, as opposed to simply receive, money while they continue to look for more permanent employment.

For our neighbors who have exhausted their regular unemployment compensation and other income supplements, the assistance provided by this proposal can be of great help and significance. While Deere hopes and works to assure that the need for such a program in the future may be minimal, we commend the Senator for urging the Congress to establish a program which can help people who want and need work as well as help the communities which can benefit from their work.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, there has been considerable discussion in recent months of the Soviet Union's

implementation of reforms. Actions taken by the Soviet Government under the premise of greater openness are accounted daily in newspapers, radio, and television. Thus far, numerous prisoners of conscience have been released, and democratic voting procedures are being tried in several local elections. Although most changes are minimal, I encourage the Soviets to continue them.

In addition to the changes that have already occurred, Secretary Gorbachev and other Soviet officials have made promises of future reforms. It has been stated that emigration levels will surpass 10,000 this year—a level that has not been reached since 1979. If the Soviets hope to improve relations with the United States from this change in policy, words are not enough. Actions are necessary for the United States to take the Soviet Union's claims seriously.

The Soviet Government continues to disregard the rights of its Jewish citizens. Jews are harassed and discriminated against, anti-Zionist literature is distributed openly, and religious literature is prohibited. These blatant violations of human rights must end in order for relations to improve.

Many Jewish citizens have suffered as a result of the Soviet Government's inhumanity. Among them is Naum Meiman. Naum's wife, Inna, recently died of cancer. I cannot help but believe that the Soviets' delay in releasing Inna to the West for critical treatment may have caused her death. Naum was not permitted to come to the United States to comfort Inna in her final days, nor to attend his wife's funeral.

After many years of misery, Naum still desires to live life in the West. It is time for the Soviet Union to allow him some happiness. I urge the Soviet Government to grant Naum Meiman an exit visa immediately.●

COVERT ACTION

● Mr. SIMON. Mr. President, one of the most thoughtful Members of either House of Congress is Congressman LEE H. HAMILTON of Indiana.

Some time ago he had an article in the Washington Post about covert action, questioning the wisdom of much of what we now take for granted.

His basic conclusions:

"Covert action should be used skeptically. The U.S. Government should not carry out any covert action that a fully informed American public would not support."

I agree with that completely.

Covert action ought to be a very rare thing.

Even when there are actions taken by people that we find ourselves in basic agreement with, initiating covert action can be counterproductive because it reinforces an image of Uncle Sam trying to bully the world.

In a case like Afghanistan, where there is an actual invasion, people there who are trying to resist the invaders should be assisted. But even in cases like that we should take that covert action with great care.

I urge my colleagues to read the Washington Post article by Congressman HAMILTON. It makes as much sense today as when it was published.

Interestingly, it was published in August 1986, 3 months before we learned about our weapons supply to Iran. If people in the administration had heeded the advice of LEE HAMILTON long before we got involved in supplying weapons to Iran, we would not have this awkward, embarrassing situation that confronts us today.

I ask that the article be printed in the RECORD.

The article follows:

[From the Washington Post, Aug. 17, 1986]

THE TROUBLE WITH COVERT ACTION

(By Lee H. Hamilton)

Seven months ago, Jonas Savimbi, the leader of a group of rebels seeking to overthrow the Angolan government, was received at the White House. Administration officials, including the president and member of the Cabinet, publicly pledged support for his group, UNITA, and have since revealed details about the weaponry that the United States is apparently providing.

This dramatic shift in U.S. policy has proven controversial. But remarkably, Congress and the public have been constrained from openly debating its merits. That's because the aid to Savimbi is deemed "covert" and, as such, is not subject to approval or even scrutiny by the whole Congress. Angola, more than any recent case, illustrates the tensions between "covert" operations and the principles of open, democratic government.

What is "covert" action? In simple terms, it is a clandestine effort undertaken to shape events in a manner favorable to U.S. foreign policy interests. It includes a range of activities: unattributable propaganda, the provision of financial or material support to individuals, groups and foreign governments, or military operations.

The rationale for covert action is that it increases the number of foreign policy options available to the President and enables the United States to influence events in situations where no public role would be possible or productive. Because it is unattributable, a covert action can help the U.S. support friendly nations or their policies without exposing them to the criticism that they are pawns of the United States. Covert action can sometimes provide a middle ground between diplomacy and war. It can also help the United States avoid confrontation that might result if its role were officially acknowledged. For these reasons, many covert actions can and should be supported.

But covert action should be viewed skeptically. The U.S. government should not carry out any covert action that a fully-informed American public would not support. While occasionally necessary, it should not be the preferred tool of foreign policy. Particularly close scrutiny should be given to paramilitary or military covert actions. It is hard to keep them secret or sustain their public support, and their mode of operation makes accountability virtually impossible.

By law, the president can initiate a covert action unilaterally. The president is only required to make a determination (a "finding") that a certain covert action is in the national interest, and to notify the House and Senate Intelligence committees of the finding. The committees review the finding in secret and support most plans for covert action. However, they do not have legal authority to stop a covert action if they disagree. Their only recourse is to urge the president to reconsider. Congress can block a covert action only by the enactment of a specific restriction on the availability of funds.

I believe there are four specific problems with covert actions, especially those in support of military or paramilitary operations.

First, while covert actions can have benefits, they often entail significant risks. Exposed covert operations can result in considerable embarrassment to the United States, a setback in relations with other counties and the loss of life. Public exposure of covert actions can also jeopardize U.S. intelligence collection capabilities.

Large-scale military covert actions run especially large risks. They develop a momentum of their own. They have a tendency to get out of control, and they simply cannot be kept secret. Extensive warfare generates intensive media investigation about who is backing whom, and recipients of aid soon boast about U.S. assistance. Those who oppose a covert action leak to undercut policy; they who support policy leak to convince their followers that the President is waging the good fight against communism. Nicaragua and Angola are prime examples of the near-impossibility of keeping a military covert action secret.

Another risk relates to the growing number of covert operations and their escalating costs in recent years. Those in the administration who favor covert actions should not forget that there is great residual suspicion in the public and the Congress about their usefulness, and that members are paying increasing attention to the size of the CIA's contingency reserve fund.

Second, covert actions consume an inordinate amount of time of the intelligence community and divert it from the performance of its chief function: the dispassionate collection and analysis of intelligence. The time devoted to hearings and oversight by the Intelligence committees is mirrored by the amount of time spent by the administration defending and managing covert operations. This detracts the director of central intelligence and other executive branch officials from supervising intelligence collection and analysis. It also detracts from proper oversight by the Congress of these same activities.

A third problem with covert action is that it is too easy to initiate, requires the review of only a very few people in the executive branch, and tempts policymakers to use it as a convenient tool to change policy without the approval of Congress. This is a mistake. Covert action is a necessarily secret means of implementing policy; it should not be a means to change policy in secret. When a covert action runs contrary to the well-understood and publicly-enunciated policy of the United States, it runs the risk of Congressional opposition, a cut-off of funding and a major foreign policy fistfight between the executive and legislative branches.

Covert action should not be used to impose a foreign policy the American people would not ordinarily support.

This problem is especially serious in the case of large-scale military operations. Today the administration is seeking to combat communist and communist-supported governments around the world, and military covert action is the cutting edge of policy. The president can fund a war secretly, without public debate, deepening U.S. involvement in what the administration calls "low-intensity" wars. Yet the power of the purse and the power to declare war are enumerated powers of Congress in the Constitution.

In cases like Angola, the president is trying to have it both ways. If an operation is secret, then why do officials from the president down talk about it openly, and why does he meet with UNITA's leader, Jonas Savimbi, in the White House? The chief advantage of "secrecy" in this instance is to enable the administration to circumvent congressional and public debate of a major change in U.S. foreign policy, one that has important implications for U.S. policy throughout southern Africa because of Savimbi's close ties with the South African government.

A fourth problem with covert action can be seen in the administration's handling of the Nicaragua issue this year. The administration made its case for assistance to the Contras publicly, but now intends to manage and implement this assistance as a covert action, with all that entails.

No program once out in the public view can realistically be put under wraps again. A hybrid overt-covert program may enable the Executive to get around its immediate political problems in Washington or in Honduras, but it defies logic. Under these circumstances the Intelligence Committees are forced to perform their oversight of the Contra program in secret, even though the American public knows the program exists and expects public accountability for it. This arrangement is incompatible with our system of government.

Each of the problems with covert action listed above contributes to a reluctant conclusion that the congressional review process needs improvement. At present, the Intelligence committees only sit and listen as the administration outlines a finding and initiates a program. They are unable to block the initiation of a program, and are able to shape policy only to the extent the president accepts their advice. Committee rules make it extremely difficult to conduct public discussion of covert action, and Committee members are limited in their oversight function when they cannot appeal to the judgment of their colleagues or the public at large. The policy process is not working well when the Congress can only attempt to block wayward covert actions after the fact, after U.S. prestige and people's lives have already been committed.

These problems could be overcome by a greater respect in the administration for Congress's role in reviewing covert actions. The need for accountability is acute today because of the growing prominence of paramilitary and military covert action in U.S. foreign policy. The review process can work better provided the executive branch and the Congress understand it and use it with civility, prudence and discretion.●

PROGRAM

Mr. BYRD. Mr. President, on tomorrow, the Senate will come in at 9:30 a.m.

After the two leaders or their designees have been recognized under the standing order, the Senate will proceed to the consideration of Calendar No. 96, S. 853. The distinguished Republican leader and I have discussed the program for tomorrow.

Following action on that measure, or at any time during the day, it will be my plan to proceed to the consideration of nominations on the Executive Calendar, one of which is Calendar No. 2, Arnold Lewis Raphel, of New Jersey. I will also hope to be able to proceed to the consideration of Calendar No. 79, Trusten Frank Crigler.

Rollcalls may very well occur on proceeding to take up these nominations or on the nominations themselves, or on other matters.

Mr. President, aside from the items that I have mentioned, the Senate may take up any other matter on which clearance has been gotten, and with the approval of the distinguished Republican leader.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there by no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:30 tomorrow morning.

The motion was agreed to, and at 5:32 p.m., the Senate recessed until tomorrow, Friday, April 24, 1987, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 23, 1987:

DEPARTMENT OF DEFENSE

June Gibbs Brown, of Virginia, to be Inspector General, Department of Defense, vice Joseph H. Sherick, resigned.

DEPARTMENT OF JUSTICE

Charles F. Rule, of the District of Columbia, to be an Assistant Attorney General, vice Douglas H. Ginsburg.

DEPARTMENT OF AGRICULTURE

Ewen M. Wilson, of Virginia, to be an Assistant Secretary of Agriculture, vice Robert L. Thompson, resigned.

DEPARTMENT OF LABOR

David F. Demarest, of Virginia, to be an Assistant Secretary of Labor, new position.

Dorothy Livingston Strunk, of Maryland, to be Assistant Secretary of Labor for Mine Safety and Health, vice David A. Zegeer, resigned.

DEPARTMENT OF TRANSPORTATION

Lawrence M. Hecker, of Connecticut, to be Deputy Administrator of the Federal Aviation Administration, vice Richard H. Jones, resigned.

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

Ruth Reeve Jenson, of Arizona, to be a member of the National Advisory Council on Educational Research and Improvement for the term expiring September 30, 1989, vice Donna Helene Hearne, resigned.

CORPORATION FOR PUBLIC BROADCASTING

Marshall Turner, Jr., of California, to be a member of the board of directors of the Corporation for Public Broadcasting for a term expiring March 26, 1992, vice Richard Brookhiser, term expired.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Louis L. Guy, Jr., of Virginia, to be a member of the board of directors of the National Institute of Building Sciences for a term expiring September 7, 1989, vice Phillip D. Winn, term expired.

NATIONAL RAILROAD PASSENGER CORPORATION

Robert D. Orr, of Indiana, to be a member of the board of directors of the National Railroad Passenger Corporation for a term expiring April 27, 1990, reappointment.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, section 1370:

To be general

Gen. John A. Wickham, Jr. [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 3033:

To be chief of staff

Gen. Carl E. Vuono, [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 711, to be appointed as senior Army member of the Military Staff Committee of the United Nations:

Lt. Gen. H. Norman Schwarzkopf, [redacted] U.S. Army.

IN THE AIR FORCE

The following-named officer under the provisions of sections 9333 and 9335, title 10, United States Code, for appointment as Dean of Faculty, U.S. Air Force Academy:

Col. Erlind G. Royer, [redacted] FR, U.S. Air Force.

The following officers for appointment in the regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform duties indicated with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the following officers be appointed in a grade higher than that indicated:

MEDICAL CORPS

To be colonel

Upendrakumar Kharod, [redacted]
John M. Sandru, [redacted]

To be major

Michael D. Jones, [redacted]
Jay C. Newbauer, [redacted]

DENTAL CORPS

To be lieutenant colonel

Harold B. Canning, [redacted]

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To be major

Robert H. Beaumont, xxx-xx-xxxx
Thomas A. Bierman, xxx-xx-xxxx
David L. Guerra, xxx-xx-xxxx
Joseph M. Hanson, xxx-xx-xxxx

To be captain

John J. Mikotowicz, xxx-xx-xxxx

The following officer for appointment in the regular Air Force under the provisions of section 531, title 10, United States Code, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than captain:

LINE OF THE AIR FORCE

Nicholas S. Evanish, xxx-xx-xxxx

The following individuals for appointment as reserve of the Air Force, in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

David M. Bear, xxx-xx-xxxx
James E. Harris, xxx-xx-xxxx
Jerome A. Olack, xxx-xx-xxxx
Hubert O. Platt, xxx-xx-xxxx

The following Air National Guard of the United States Officers for promotion in the Reserve of the Air Force under the provisions of sections 593 and 8379, title 10, United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10, of the United States Code. (Effective dates in parentheses).

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. John H. Bubar, xxx-xx-xxxx (1/10/87).
Maj. Philip R. Bunch, xxx-xx-xxxx (12/6/86).
Maj. Allen R. Dehnert, xxx-xx-xxxx (12/10/86).
Maj. Brian D. Fields, xxx-xx-xxxx (12/6/86).
Maj. Georg F. Fondren, Jr., xxx-xx-xxxx (12/10/86).
Maj. Claude R. Frick, xxx-xx-xxxx (12/18/86).
Maj. Michael E. Harold, xxx-xx-xxxx (12/16/86).
Maj. Robert E. Horstman, xxx-xx-xxxx (12/10/86).
Maj. George L. Jones, xxx-xx-xxxx (2/2/87).
Maj. Frank E. Landis, Jr., xxx-xx-xxxx (11/15/86).
Maj. Ronald A. Marks, xxx-xx-xxxx (12/12/86).
Maj. Jesse P. Pritchett, xxx-xx-xxxx (12/15/86).
Maj. Paul J. Richter, xxx-xx-xxxx (12/6/86).
Maj. Robert O. Seifert, xxx-xx-xxxx (12/7/86).
Maj. Jerry P. Shanahan, xxx-xx-xxxx (12/6/86).
Maj. Charles F. Skidmore, xxx-xx-xxxx (2/2/87).
Maj. Michael J. Smith, xxx-xx-xxxx (1/3/87).
Maj. Richard F. Trigilio, xxx-xx-xxxx (12/29/86).
Maj. Harry A. Trosclair, xxx-xx-xxxx (11/8/86).
Maj. Kenneth P. Uhl, xxx-xx-xxxx (11/1/86).
Maj. Robert A. Wilson, xxx-xx-xxxx (12/6/86).
Maj. Harold T. Yeary, xxx-xx-xxxx (12/7/86).
Maj. Ronald B. Yuss, xxx-xx-xxxx (10/19/86).

LEGAL CORPS

To be lieutenant colonel

Maj. Roland F. Berlingo, xxx-xx-xxxx (12/15/86).
Maj. John T. Flynn, xxx-xx-xxxx (12/14/86).
Maj. Frederick B. Hunt, Jr., xxx-xx-xxxx (12/17/86).
Maj. Lawrance L. Paulson, xxx-xx-xxxx (12/6/86).

MEDICAL CORPS

To be lieutenant colonel

Maj. Ronald J. Stephens, xxx-xx-xxxx (12/18/86).
Maj. Jai H. Yang, xxx-xx-xxxx (12/4/86).

NURSE CORPS

To be lieutenant colonel

Maj. Kathleen A. Aymin, xxx-xx-xxxx (11/15/86).
Maj. Carolyn K. Dennis, xxx-xx-xxxx (12/6/86).

IN THE MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of lieutenant colonel, under title 10, United States Code, section 624:

Ahrens, Paul R., xxx-...
Anderson, David C., xxx-...
Anderson, Gary W., xxx-...
Armstrong, Charles L., xxx-...
Bachiller, Rayfel M., xxx-...
Battaglini, James R., xxx-...
Beck, Mark T., xxx-...
Biddle, Robert M., Jr., xxx-...
Bishop, Paul W., xxx-...
Blair, Carl N., xxx-...
Bloomer, David R., xxx-...
Blose, Robert B., Jr., xxx-...
Booker, James L., Sr., xxx-...
Boone, Robert B., xxx-...
Bowman, Thomas G., xxx-...
Boyce, Michael H., xxx-...
Braddy, James C., xxx-...
Braithwaite, Robert E., xxx-...
Brannon, Thomas O., xxx-...
Brindle, Eugene D., xxx-...
Brinkley, Clyde S., Jr., xxx-...
Brophy, Mark L., xxx-...
Browning, Darrell A., xxx-...
Brunn, Bruce E., xxx-...
Buller, Richard E., xxx-...
Cabana, Robert D., xxx-...
Caudill, Dee H., xxx-...
Caughlan, Thomas A., xxx-...
Cavallaro, Richard C., xxx-...
Chadwick, David L., xxx-...
Chambers, Stephen W., xxx-...
Cheney, Stephen A., xxx-...
Chessum, James P., xxx-...
Cibuzar, Paul F., xxx-...
Cipparone, John S., xxx-...
Clemmer, Wayne A., xxx-...
Cobb, James K., xxx-...
Cohen, Robert S., xxx-...
Cole, Larry P., xxx-...
Cole, Raymond xxx-...
Collins, William B., xxx-...
Composto, Joseph xxx-...
Conatser, Larkin E., xxx-...
Conry, Kevin A., xxx-...
Cook, Larry G., xxx-...
Corley, Max A., xxx-...
Cortez, Christopher xxx-...
Cotton, Norris G., xxx-...
Coulson, Gerald S., xxx-...
Cox, Jimmy R., xxx-...
Craig, Alan S., xxx-...
Dank, Alan H., xxx-...
Darner, William C., xxx-...
Davis, Donald L., xxx-...
Davis, John A., xxx-...
Deloney, Ronald V., xxx-...
Demars, Melvin W. Jr., xxx-...
Denton, Henry M., xxx-...
Deutsch, Frederick M., xxx-...
Dockery, Charles L., xxx-...
Duda, Gerald J., xxx-...
Dunkelberger, Thomas E., xxx-...
Durham, James M., xxx-...
Durham, Jan M., xxx-...
Dyar, Robert W. Jr., xxx-...
Esmann, William J., xxx-...
Fegan, Joseph C. III, xxx-...
Finley, Bruce V. Jr., xxx-...
Flanagan, Robert M., xxx-...
Flinn, George W., xxx-...
Fox, Thomas R., xxx-...
Gaieski, John M., xxx-...
Gallagher, Richard J., xxx-...
Geil, Jerome L., xxx-...
Gilleylen, Thomas W., xxx-...
Goodman, John F., xxx-...
Goulding, Vincent J. Jr., xxx-...
Gregor, Christopher J., xxx-...
Griffin, Barry P., xxx-...
Hales, John R., xxx-...
Hammond, Charles W. Jr., xxx-...
Hannigan, Timothy J., xxx-...
Harleman, Thomas G., xxx-...
Harris, Thomas E., xxx-...
Hayden, Mark K., xxx-...
Hemler, Jeffrey E., xxx-...
Henry, Thomas R., xxx-...
Herdering, Carl M., xxx-...
Himes, John M. xxx-...
Hirvonen, Keith M. xxx-...
Hobbs, Richard P. Jr., xxx-...
Hoke, Michael D., xxx-...
Holcomb, Keith T., xxx-...
Holmes, George E., xxx-...
Hornberger, Stephen G., xxx-...
Huck, Richard A., xxx-...
Hughes, Patrick J. Jr., xxx-...
Hull, Jeffrey L. xxx-...
Humston, Douglas E., xxx-...
Hunt, Billy D., xxx-...
Hutchinson, Richard F., xxx-...
Inghram, Richard B., xxx-...
Jillisky, Donald R., xxx-...
Jobin, Edward J., xxx-...
Johnson, Gregory J., xxx-...
Jones, Eric A., xxx-...
Joslyn, William J., xxx-...
Judge, Bruce, xxx-...
Kelly, Richard L., xxx-...
King, Steven J., xxx-...
Knott, David A., xxx-...
Lammon, Ray A. Jr., xxx-...
Lange, Lee F. II, xxx-...
Lasswell, James A., xxx-...
Lavan, Earl L., xxx-...
Leavitt, Robert N., xxx-...
Lee, James H. III, xxx-...
Lenard, James D., xxx-...
MacKenzie, John D., xxx-...
Mahoney, Roger E., xxx-...
Maloney, Richard A., xxx-...
Martinson, Martin J., xxx-...
McBride, Dennis C., xxx-...
McClure, John K., xxx-...
McHale, Kevin J., xxx-...
McKenzie, Scott W., xxx-...
Mendelson, James S., xxx-...
Meng, Ronald L., xxx-...
Mott, Michael I., xxx-...
Mullarkey, John J., xxx-...
Musella, Martin L., xxx-...
Mytczynsky, Stefan, xxx-...
Napoleon, Henry Jr., xxx-...
Norako, Vincent W. Jr., xxx-...

O'Connor, Dennis M., xxx-...
O'Donnell, Hugh K., Jr., xxx-...
Olson, Michael L., xxx-...
Outlaw, Larry D., xxx-...
Owen, Richard L., Jr., xxx-...
Pardo, Cruz, xxx-...
Paulson, Ned G., xxx-...
Perkins, Mitchell M., xxx-...
Peterson, Dale A., xxx-...
Pizzo, Mark B., xxx-...
Poley, Bruce E., xxx-...
Poole, Jerry L., xxx-...
Poole, John P., xxx-...
Potter, Michael B., xxx-...
Prendergast, Walter N., xxx-...
Price, Robert A., xxx-...
Pugh, Paul F., xxx-...
Reavis, Thomas A., xxx-...
Roesch, Robert W., Jr., xxx-...
Rosacker, Ralph C., II, xxx-...
Rueger, Ronald L., xxx-...
Ruthenberg, Joseph L., xxx-...
Ryan, Charles A., xxx-...
Ryan, Victor W., Jr., xxx-...
Sattler, John F., xxx-...
Schultz, Mark P., xxx-...
Settle, Robert H., xxx-...
Shreve, Larry L., xxx-...
Simpson, Gary B., xxx-...
Simpson, Laurence E., xxx-...
Sinclair, Mark R., xxx-...
Skipper, Charles O., xxx-...
Slick, Clyde H., xxx-...
Smith, Byron E., xxx-...
Smith, Paul R., xxx-...
Sparks, Grant M., xxx-...
Sparrow, Linden L., xxx-...
Spratt, Ronald E., xxx-...
Stewart, Darrell L., xxx-...
Stoops, Christopher B., xxx-...
Storey, David K., xxx-...
Storey, James A., III, xxx-...
Strock, James N., xxx-...
Stull, Jonathan W., xxx-...
Sullivan, Patrick H., xxx-...
Sutherland, Bonni L., xxx-...
Swords, Michael J., xxx-...
Tavella, Anthony T., III, xxx-...
Taylor, Timothy M., xxx-...
Thornton, Charles H., Jr., xxx-...
Tonkin, Terry L., xxx-...
Turner, Donald G., xxx-...
Uberman, Joseph S., xxx-...
Varela, Gerald J., xxx-...
Vonwald, Gregory J., xxx-...
Whitlow, William A., xxx-...
Wilbur, Paul A., xxx-...
Winchester, John D., xxx-...
Wright, Larry W., xxx-...

THE JUDICIARY

James T. Turner, of Virginia, to be a judge of the U.S. Claims Court for the term of 15 years, vice Haldane Robert Mayer.

Paul V. Gadola, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice John Feikens, retired.

DEPARTMENT OF JUSTICE

K. Michael Moore, of Florida, to be U.S. attorney for the northern district of Florida for the term of 4 years, vice Willard Thomas Dillard III, resigned.

William S. Price, of Oklahoma, to be U.S. attorney for the western district of Oklahoma for the term of 4 years, reappointment.

George J. Terwilliger III, of Vermont, to be U.S. attorney for the district of Vermont for the term of 4 years, vice George W.F. Cook, resigned.

Romolo J. Imundi, of New York, to be U.S. Marshal for the southern district of New York for the term of 4 years, reappointment.